A BREATH
OF
Fresh
Air

The story of how Ames enacted Iowa's first-ever city ordinance limiting smoking in all restaurants and bars that serve food.

Compilation and Commentary
by

LENWOOD L. MONTE

A Breath of Fresh Air

Table of Contents

- Introduction by George Belitsos .... i and ii
- You don't Smoke. The cigarette Smokes! You're Just the Sucker! iii
- Countdown (Len Monte's personal story) .... 1 – 3
- Getting Involved 4
- Ames Tobacco Task Force (ATTF) Position Paper by Andrew Goedeken .... 4 –5
- How Do We Get This Thing Started? 6
- Letters to the Editor .... 7 – 15
    - No Smoking in Ames Restaurants (7); Smoke-Free Dining is a Good Idea (8); Smoking Ban Nothing but Good (8); Letter to Businessman (11); Mystifying Decision (12); Don't Expose Youth (13); Smokeless (13); Smoke-Free Restaurants (13); Smoke-Free Restaurants (13); Smoke-Free Restaurants (14); Ruling Would Aid Businesses (14); A Smoke-Free Dinner Hour (15);
- ATTF Agenda Sept. 22, 2000 16
- What Guidelines Do We Follow? 17
- News Article Sept. 11, 2000, City Council to Address Tobacco, Liquor Issues 18
- News Article Sept. 15, 2000, Opponents Hope to Cool City's Anti-Smoking Ardor .... 18 - 19
- Letters to the Editor .... 19 – 27
    - Smoking Ban and Restaurant Revenue (19); Council Should Support Smoking Ban (20); Smoking Ban is Public Health Issue (20-21); No Need to Legislate Smoking Ban (21); Take Secondhand Smoke off Menu (22); Putting out Public Health Risks (23-24); Tribune Columnist Blowing Smoke (26-27)
- ATTF Position Paper Oct. 2, 2002, Clearing the Air 28
- Clearing the Air Forum Flyer 29
- Letter to City Council Oct. 3, 2000 from John Klaus 30
- First Draft of Ordinance .... 31 – 33
- News Article Oct. 2, 2000, Restaurant Owners Want a Choice 34
- News Article Oct. 3, 2000, Public Forum Calls for Smoking Ban 35
- Letter to the Editor .... 36 – 37
- News Article Oct. 5, 2000, We grill. We kill. We're Ames .... 37 – 38
- Letters to the Editor – City Council Stepping on Liberty .... 38 – 39
- News Article Oct. 19, 2000, Bar Owners Unite to Fight Ban .... 39 – 40
- News Article Oct. 19, Please Hear the People .... 40 – 41
- Letters to the Editor .... 41 – 43
    - Smoking a Private, Business Issue (41); Nonsmokers are no better (42); Smoking Ban Fair and Sensible (43)
- News Article Oct. 26, 2000, Smoking Ban Groups Plan Strategies 44
- News Article Oct. 27, 2000, Miller Praises Smoking Ban Effort .... 44 – 45
- Letters to the Editor .... 45 – 46
    - Council Should be Commended (45); Restaurant Smoking Ban is Good Idea (46); There are Many Reasons Not to Smoke (46)
- News Article Nov. 7, 2000, ISU Students against No-Smoking Ordinance 47
- Letters to the Editor .... 47 – 48
- News Article Nov. 9, 2000, Restaurant, Bar Owners Pitch Ban Compromise .... 49 – 50
- ATTF Agenda Nov. 10, 2000 50
- Letter to the Editor – Coverage Shouldn't be Editorialized 51
- News Article Nov. 14, 2000 Anti-Smoking Forces Back Compromise 51
- News Article Nov. 15, 2000, Council Opts for Compromise Smoking Ban 52
- Summary of City Council Meeting, Nov. 14, 2000 53
- Final Ordinance .... 54 – 57
- Letters to the Editor .... 58 – 59
    - Responsibility Over Liberty (58); Smoking Decision isn't City's to Make (59)
- Prevention News Nov. 2000 .... 60 – 61
- News Article Dec. 1, 2000, Homeward Gets Grant to Help Area Adults Quit Smoking 62
- Letter to the Editor – Grant Will Help Curb Effects of Tobacco .... 62 – 63
- Advertisement Text – Philip Morris USA .... 63 – 64
- News Article Dec. 6, 2000, Study Links Smoking to Colorectal Cancer 64
- News Article Jan. 4, 2001, Tobacco Companies Fund Enforcement .... 65 – 66
- Declines in Lung Cancer Rates 66

(Continued)

You Can Make a Difference 67
News Article Jan. 24, 2001, Council OKs Draft of Smoking Ordinance 68
Letters to the Editor .... 69 – 70
Support Proposed Ordinance (69); Smoking Ordinance Civility (69); Don't Impose Your Will on Others (70)
News Article Feb. 14, 2001, Smoking Ban Passes First Reading 71
ATTF Agenda Feb. 23, 2001 71
News Article March 2, 2001, Ames Police: Most Stores Following Tobacco Laws 72
Ames Says OK to First Smoking Ban in Iowa 72
Letter to the Editor - Thanks from the Tobacco Task Force 73
ATTF Agenda March 30, 2001 73
Cost of Smoking 74
Chamber Spring Newsletter, Input Needed for Smoking Ordinance Signage 75
News Article May 5, 2001, Group to Help Fund Smoking Signage 75
Smoking Free Dining 76
Letters to the Editor – Not OK to Twist Truth into Pretzel .... 77 – 78
News Article June 26, 2001, Several Ames Businesses not Following Tobacco Laws 78
ATTF Agenda June 29, 2001 78
What Kind of Enforcement Will This Require? News articles .... 79 – 80
Letter to the Editor – Evidence Clear Thought Air Isn't 80
Ames New Ordinance, Smoke-Free Dining 81
Friends of Tobacco Free Public Places Memo 83
Complaint and Affidavit 84
Agenda ATTF July 20, 2001 85
Letters to the Editor .... 86 – 87
Tyranny Dances with the Devil (86); Lighten Up Rather Than Light Up (86-87)
News Article July 31, 2001, Mixed Reaction to Imminent Smoking Ban .... 87 – 88
Letters to the Editor .... 88 – 89
JEL Hits It on the Head (88): JEL is Way Off Base (88-89)
Table Tents for Smoke-Free Dining 90
Smoking Ban Kicks In .... 91 – 92
Letter to the Editor – A Deadly Combination 91
News Article Sept. 26, 2001, Restaurant Owners Sue Over Tobacco Ordinance 93
Letter to the Editor – Height of Irresponsibility .... 93 - 94
Tobacco Ordinance Heads to Court .... 94 – 95
News Article Oct. 24, 2001, Judge Stubs Out Injunction 95
Letter to the Editor – Defeat the Forces of Evil 96
News Article June 20 2002, Smoking Found to be Even More Deadly .... 97 – 98
Where to Turn for Help 99
Appendix – Model Ordinance

A special thank you to YSS Support Services staff, Ray Benter, Royce Winge and Jeneane Moody for assisting with proofing and editing.

AMES TOBACCO TASK FORCE

A subcommittee of the Mid-Iowa Community Health Committee
of Mary Greeley Medical Center and The Story County Prevention Policy Board
Mailing Address: Youth and Shelter Services, Inc.
PO Box 1628, Ames, IA 50010

Introduction

by George Belitsos

Thank God for volunteers like Lenwood Monte! The Ames Tobacco Task Force was fortunate, indeed, when Len joined our efforts to work for a smoke-free dining ordinance for the city of Ames, Iowa. He wrote persuasive letters to the editor in support of the ban, all of which were printed in the local town or university press. He attended public meetings and spoke as an advocate who knew from sad personal experience how tobacco can ravage the health of a person. What is more, he didn't hesitate to use his personal battle with cancer to make his points. Thanks to Len for putting a human face on the growing tragedy of tobacco related illness.

The good news is that Len is a survivor, and that he has gone on to document in this book the battles our Ames Tobacco Task Force fought in supporting passage of the first smoking ban in the state of Iowa.

Although his book serves the very obvious function of historical documentation, it also serves as a guide for groups or individuals seeking to do what our Task Force of concerned citizens has done. However, care must be taken to not just copy our ordinance or our methods. Some communities have tried and found that one size does not fit all. Far more successful results will be attained if groups or individuals carefully study their local situation and assess the political likelihood of success. Our group worked for three years before the ordinance was passed, and then found that we needed to compromise with restaurant and bar owners to accomplish something for everyone. And while we were patting each other on the back at our success, we discovered that we were only beginning to reap the whirlwind fallout that can result from such a daring change in social thought.

One huge thing occurred... we had not thought that Big Tobacco would take special interest in our efforts. Suddenly, the lawyers of Philip Morris made us feel like we had stumbled into Jurassic Park; you know, the movie where huge predatory dinosaurs come stomping after the fleeing little people. The ground shakes and the people shudder, and it's still not over. Although they have lost their case in two lower court battles, Philip Morris will try to overturn our democratically passed ordinance in the Iowa Supreme Court sometime in the next two years. So, the cost of freedom continues to be constant vigilance.

(Continued)

Co-chairs:

George Belitsos
515-233-3141
gbelitsos@yss.ames.ia.us

Edwin Lewis

(515) 233-2874
eclewis@iastate.edu

Honorary Chair:

Michael Gartner
1997 Pulitzer Prize and owner of Iowa Cubs

Mission Statement

Smoke free public places and a five percent reduction in teen tobacco use by 2005.

I'm thankful to Len for continually reminding the reader that, the battle against secondhand smoke must always be defined as a "HEALTH ISSUE," mainly because that is the scientifically proven truth, but also because that is the only way to keep opponents from redirecting the focus of the debate to diffuse science-based, anti-smoking arguments. Opponents will bring up so-called "smokers' rights," when the real issue is the non-smokers' right to protect their health in public places.

In conclusion, with a grateful heart, I thank all the members of the Task Force and citizens of Ames for supporting the first ban on smoking in the state. Although Len Monte is an outstanding anti-tobacco campaigner, he is just one of forty volunteer leaders who have attended monthly meetings of the Ames Tobacco Task Force. Building a strong coalition of advocates for public health is essential to fighting the tobacco industry.

Finally, I want to thank the members of the Ames City Council who voted unanimously in favor of protecting the public health. It was a bold move to lead the state in a new direction that promises health and happiness as opposed to disease and despair.

YOU DON'T SMOKE...

THE CIGARETTE SMOKES!

YOU'RE JUST THE SUCKER.

When the Ames Tobacco Task Force (ATTF) began supporting enactment of a smoke-free dining ordinance in Ames, we had no idea that ultimately we would come face to face with the power of a multi-national corporation. Big Tobacco, represented by the Philip Morris Tobacco Company, did not really step up to the plate until after the Ames ordinance was enacted. The company stayed in the background, carefully watching to see whether the ordinance would be enacted. We learned that Philip Morris willingly spends significant sums of money trying to defeat attempts that seek to limit tobacco use anywhere, at any time. They are not about to let anyone or any law limit their profits of billions of dollars, if they can help it. It may be "blood money," but it is still—M-O N E Y.

Following enactment of the Ames ordinance, the company enlisted several local restaurant owners to pursue the matter in court. We believe that you, too, will feel the weight of Big Tobacco pressing against you if you pursue a course of ridding your community of smoke-filled public spaces. Do not be surprised when it happens.

At the time of this writing, Philip Morris has been unsuccessful in finding the little pin-prick hole in the dike that they are looking for. Their lawyers have not yet been able to destroy the solid block of law that prevents them from mangling our case. However, we are convinced that they will continue to pinch and probe every possibility, in the hope that someday they will find a court, a judge, a minute point of law—something!—that will allow them to prevail. The matter is now pending at the Iowa Supreme Court level and will be decided within two years. We have successfully defended against an injunction, a summary judgment—and WE WILL WIN!

In the meantime, Ames Tobacco Task Force continues to seek new, effective ways to limit tobacco use, especially among the young. Youngsters neither know nor understand that Big Tobacco is playing them for suckers. The young look for ways to assert their independence, **not understanding that when they are addicted to nicotine, they are in no way, shape or form, independent**. In fact, they become totally dependent on the weed that will rob them, not only of their independence, but possibly, life itself. Certainly they will waste time, money, resources and good health. What they do not understand is that the nettle they so eagerly grasp will become an itch that they will need to scratch for the rest of their life. Few smokers there are, who do not wish that they were able to let go of their addiction.

We hope that this book will assist you in your efforts to make a difference in the world. Ames Tobacco Task Force is convinced that our efforts to limit smoking in restaurants in our little corner of the world, has broadened the understanding of many people. The conversation needs to continue.

Know what else? When you have helped make it possible to walk into, or work in, any restaurant in town and are able to breathe air that is uncontaminated by tobacco smoke, you will truly enjoy the experience! Bon appetit!

1

"COUNTDOWN"

My hospital roommate on that particular occasion had already lost his bladder to the surgeon's knife. He had some kind of apparatus attached to or through his penis so that the urine could run through a tube into a container attached to his leg. (I am not privy to how a lot of these medical devices actually work.)

He was a pleasant enough fellow. We had a few conversations—not many—because he spent most of his time in the day room at the VA Hospital in Iowa City, Iowa, where we were patients. At that time smoking was allowed in the day room on our floor. It seems unlikely that this would be allowed today. At least I would hope not.

This fellow had a small, hand-operated device into which one could insert a cigarette paper, spread some tobacco on it, pull a handle and roll a rather well-rounded, well-packed cigarette. The moist, gummed edge of the paper attached itself to hold it all together. He rolled fifty of those each day. That was his self-imposed daily limit—fifty cigarettes—two and a half packs. No filter—just a sack of Bull Durham tobacco, some papers, and a handful of matches. Those were his constant companions.

At one time several years earlier, I owned one of those little, handy-dandy devices, too. It saved a lot of money, but oh-my-gosh—Bull Durham? I recall using something a bit "milder"—something like Prince Albert from a metal can, or maybe that was tobacco for my pipe. No matter. Smoking the blamed stuff caused my cancer.

Both of us were patients at the hospital because each of us needed yet another surgical procedure to root out malignant tumors that threatened to take our lives. I asked him (as my doctor had asked me…) "When are you going to quit smoking?"

His reply was the same I have heard from so many others. He laughed a rather hollow laugh and replied, "You gotta' die from something. It might as well be cancer."

He was forty-three years old.

I was fifty years old when my first bladder tumor was discovered. It was surgically removed in June of 1980. At my three-month checkup in September another tumor was located and removed. At my checkup in December, another tumor was found. My doctor asked me "the" question.

"When are you going to quit smoking?"

"What does that have to do with anything, Doctor?" I asked.

"Well, it's the source of your cancer," he said, with a look that betrayed the unspoken words, "you dummy!"

"In the bladder?" I asked. (How does smoke get into your bladder, for crying out loud?)

I learned from him and subsequently had the same conversation with three other doctors who concurred in his diagnosis. My cancer did indeed stem from my habit of smoking. Cigars, occasionally. Cigarettes, frequently. Pipe, constantly. It's the smoke, not the method of delivery, that contains the seeds of destruction. The smoke contains "tar" (and carcinogens) that collect in your mouth. You swallow that. Your liver metabolizes it into a particular kind of sugar and kicks it into your bladder rather than the bowel. Were it delivered to your bowel it might be less of a problem (I have no idea why) but in the bladder, so they said, it's different. I was told that it's because the bladder is a "closed system". Tumors form and feed directly from the sugar available. Don't ask me to explain how all of that happens. I might be dead wrong about the process because I am a theologian—not a medicine-man. That, however, was the message I received (or at least "understood") from the doctors. I leave it to you to kick it around and discover whether or not you believe it, and whether you understand that it might someday apply to you if you use tobacco in any form at all.

Perhaps that's not scary enough to help you to decide that using tobacco is a counter-productive enterprise. I know that you can hardly wait until I tell you how they take those tumors out of your bladder. It is not one of the happiest moments in a man's life! It involves the insertion of a metal tube about fourteen inches long….

I don't want to even begin to tell you the effect those procedures will have on your sex life. For the moment, let me just tell you that if you value your sex life, smoking is one of the most stupid things you can do!

I will never forget another patient across the hall and down a few doors from our ward. This poor devil had contracted some kind of throat cancer as the result of his smoking and they tried to give him a little more time in this world through drastic surgery. The left side of his head looked normal. The right side was something else entirely. After they had finished taking out the "bad" parts of his neck, chin, and cheek, you could have fit a rather large soup bowl into the cavity on that side of his face. Half of his head was simply *gone*. He couldn't speak and I have no idea how he could have eaten anything that couldn't be drained into him through a tube.

My friend Russell smoked, too. So did his wife. The surgeons removed one of Russ' lungs—after which he had a lot of trouble breathing and doing anything more vigorous than a slow shuffle. He finally quit smoking. I believe that happened the same day that he died. His widow continued going to the hospital for "check-ups," as she called them. Actually, her hospital stays were for tumor removal every three months or so, because she couldn't summon up the strength to throw away the cigarette pack, either. A year later, she died. Both of them were in their early fifties when they left this world.

It has been my duty as a clergyman to conduct funerals for many, many people during a half-century of ministry. I know beyond the shadow of a doubt that tobacco smoke led many of them to early death and the grave long before it was essential for them to leave the world. They sickened and died of illnesses brought on by smoking. I very nearly fit that pattern myself and I am ashamed of my thirty-five years of utter foolishness in being addicted to tobacco smoke.

Addiction occurred very early in my life—by age fourteen, if not earlier. At seventeen I enlisted in the Army, served in Korea, and came home to spend four years in college. By the end of my post-graduate seminary training, I was a dedicated smoker of some twelve or more years standing. Most of us seminarians were smokers and we had a humorous (?) saying about our addiction.

"If a theologian smokes cigars, he is probably a conservative. If a theologian smokes cigarettes, he is probably a liberal. If a theologian smokes a pipe, he is probably a 'middle-of-the-roader'. If a theologian doesn't smoke, he is no theologian!"

I hacked and wheezed my way through the years, always with a throat ailment of one kind or another. Over the years I burned up enough resources, shirts, ties, trousers, auto seats and money spent on tobacco products, that I undoubtedly could have bought a Cadillac with what I wasted. That's how it is with most addictions, I suppose. They add up to a horrible waste of life and its resources.

It would be less than truthful were I to claim that I have finally quit smoking. When someone is totally addicted to a substance, it may be that they are never able to *quit*. I prefer saying that I was able to stop, rather than quit. Stop means a pause—for however long. Quit means forever. It may be that one is able to stop, pause, delay or refrain from smoking for whatever length of time, but as with the alcoholic who cannot take even a single drink, the addicted smoker cannot ever again smoke even one cigarette. One little slip may return him to the addiction that he believed he had left behind a month or even years previously.

I am grateful that the delay between my last smoke and the present has lasted since December, 1980.

Was it an easy transition?

In a single word, "No!"

Was it worth it?

It was worth all that my life has been worth since I stopped smoking.

When I arrived home that day after the doctor had told me, "Quit or die!" I gathered all of my beautiful hand-carved pipes, ashtrays, lighters, expensive tobacco, and other smoking paraphernalia into a cardboard box, folded the lid shut, taped it and labeled the box. I took it to our storage room, placed it on a shelf, and made a solemn vow to myself.

Sometime in the future a doctor might say to me, "I'm sorry, Lenwood, it looks as though your cancer has resurfaced. It is inoperable. I'm sorry to tell you that you have perhaps six months or a year left to live."

When I arrive home from my visit with the doctor that day, I plan to retrieve the box, open it, and….

I have not rescinded that vow.

It is, however, very unlikely that I would begin smoking again.

I remind myself though, that I have not rescinded my vow.

Life is too precious to throw away on stupid trifles and inane addictions.

However, why discard a plan that has worked so well for more than two decades?

Life changing experience? Absolutely! Had it not been so wrenchingly painful, I probably would not be so deeply involved in trying to help others get smoke out of their lives. I am also convinced that the additional years of life I have received (after cancer) are a gift that I nearly lost through stupidity and willfulness. I am grateful to be able to "give back" some time and effort in the battle to limit that kind of pain for others.

-Selected Quote-

"There are two freedoms—the false, where a man is free to do what he likes; the true, where a man is free to do what he ought." *Charles Kingsley*

"GETTING INVOLVED"

COMMENTARY

It was never my intention to become involved with the Ames Tobacco Task Force. I didn't even know there was such an organization prior to my writing a note of thanks to George Belitsos, Executive Director of Youth and Shelter Services (YSS) and co-chair of the Ames Tobacco Task Force (ATTF.) George had written a Letter to the Editor of The Tribune, the daily newspaper in Ames. His letter struck a chord of response within me and I simply wrote a note to thank him for writing it. It dealt with the issue of smoking among the young.

By the way, I'll be referring to him as simply "George" in this writing. I'll also be referring to "Andrew" (Goedeken), the other co-chair of the Ames Tobacco Task Force. Andrew is an extremely articulate senior (Class of '02) at the Ames High School, who will attend the University of Iowa in the Fall of 2002. I am in awe of his accomplishments and his level of competence. More about both George and Andrew as we proceed.

The upshot of my note to George was that he invited me to join the ATTF and I was hooked. It seemed to me to be a worthwhile way to volunteer to give a bit of time and effort to a program with which I was in such complete accord. When I learned that ATTF had begun working toward the goal of smoke-free restaurants in Ames, via a citywide ordinance, it seemed reasonable and something to which I could happily put in my two cents worth. I had no idea of how deep my involvement would become.

ATTF Position Paper - August 2000 – Andrew Goedeken

The Ames community is preparing to take the lead again with the anxiously awaited passage of Tobacco Free Dining. This effort has been prefaced by the work of several organizations including the Ames Mayor's Youth Committee (MYC), the Youth and Shelter Services, Inc. and the American Cancer Society of Iowa. These undertakings have been very successful in the past few months with the passage of an ordinance allowing the City of Ames to receive revenue from sting operations carried out to determine the tobacco law compliance of area businesses.

Sadly, compliance in Ames tobacco retailers only hovers about 50%, but the MYC and YSS are working hard to improve it. The first few checks formally executed by the City of Ames turned up 4 of 5 businesses selling to minors. This is a dangerous ratio for a community full of young people and young lungs.

The issue at hand though is tobacco free dining. Here are a few things that we know thus far:

- Tobacco free dining exists in cities like New York, NY and Madison, WI.
- Tobacco free communities are seeing an increase in revenue.
- Tobacco free dining is a public health issue, not a smoker's rights issue.
- Mary Greeley [Medical Center] Medical Staff endorsed tobacco free dining.
- The Mayor's Youth Committee endorsed tobacco free dining.
- 16 of 17 letters received by the Ames City Council (officially) supported the ban.
- In Iowa City, (a community with similar efforts) about 70% of the people supported the *ban.*
- Nearly 2/3 of Ames restaurants are currently smoke free (many of them are chains.) [Note: Only 30 % of table side service restaurants were smoke free at the time.]

- The Chamber of Commerce does not support the ordinance.
- Two Ames City Council members openly support the ordinance. [Note: Herman Quirmbach and Judie Hoffman were, from the beginning, solidly in favor of enacting an ordinance limiting smoking. Their courage and support were critically important throughout the entire effort.]

Armed with this information and with the knowledge that Ames is a progressive community full of participants in democracy, we feel confident that tobacco-free dining will become a reality in Ames. The youth have already begun to take a stance and we believe the Ames High School Student Council will soon endorse the proposal.

The Ames Tobacco Task Force encourages everyone to become involved. Write or call the City Council members. Send letters to the Tribune. We invite you to do one or all three! This must be a community grass roots effort, and it is well on its way, but there is always need for more help.

Many thanks!

COMMENTARY

Andrew's position paper was one of the first indications I had of what we were attempting to do during the fall of the year 2000. Before we achieved the actual passage of the ordinance, there would be tens of thousands of hours spent by participants on both sides of the issue. Letters by the score would be published in the newspapers. Articles and position papers would fill huge notebooks as we tried to "keep score" and "tell the story." Meetings, meetings and more meetings were held as we worked to keep everyone abreast of what was happening. E-mail was very helpful in making sure that everyone was "up to speed" on current happenings. It was in some ways, rather exciting, because we were attempting to do something unique in the State of Iowa, which was to be the first community to pass an ordinance restricting smoking in restaurants. The issue for us was not being "first', but rather, paving the way for other communities to improve the health conditions and working conditions of people in their own communities. It was a road-building effort, and we are happy to provide some information on how others may follow the trail blazed in Ames.

"It's a health issue—not a rights issue."

When Sir Walter Raleigh transported tobacco to England from the Virginia Colony, he must have foreseen that tobacco would carry a mystique for centuries to come. He made a wager with some of the Lords and Ladies of the Queen's Court. He bet that he could weigh the smoke from a small quantity of tobacco.

First, he weighed the tobacco. Then he burned it. Of course the ashes weighed less than the tobacco. He declared that the difference in weights was the weight of the smoke. He collected his bet. Charlatans have been making money from lies spread abroad about tobacco since that day!

One of the biggest lies told about tobacco is that smoking is a "rights" issue rather than a "health" issue. People have the right to smoke, we are told, and no one has the right to say them nay. I would simply say that they have a legal right to smoke. They have no right whatsoever to smoke where it will affect others.

Therein lies one of the most passionate subjects for debate within the issue of whether a smoking ban needed to be enacted for the protection of people's health.

In the articles, letters and papers that follow you will find this to be the issue residing at the heart of the whole controversy surrounding the smoking ban. Few opponents of the ban argue that smoking is a healthful activity. Few supporters of the ban argue that smokers have no right to smoke. The interaction between the various factions involved is the main thrust of this book. So far, the good guys in the white hats have been able to prevail, legally and morally. Big Tobacco has a lot of money to spend. Eternal vigilance in the face of constant pressure to "turn back the clock" is our task. It's a health issue—not a rights issue.

"HOW DO WE GET THIS THING STARTED?"

The Ames Tobacco Task Force (ATTF) was faced with a lot of decisions as it began to work toward its goal of smoke-free restaurants in Ames. This was brand new territory for us. No one had ever done this before in Iowa. The ATTF saw itself as a series of concentric circles, radiating outward in the building of grassroots support for the project.

The "Inner Core" began as a group of perhaps eight to ten "resource people" who would be mainly responsible for leadership, strategic planning, day-to-day decision making, media contacts, etc. Most of these would be health and human services professionals, used to the daily grind of making good decisions. They occupied positions of leadership in their fields of expertise on a daily basis. Several were teens, thus creating a youth/adult partnership.

The next ring of perhaps ten to 50 people were perceived as being a group of committed activists who would attend public meetings, rallies, make presentations, operate phone banks, stuff envelopes, etc.

The outer ring of active supporters might well make calls to elected officials, write letters to the editor and other activities related to the project. This group was perceived as eventually needing to reach between 50 and 500 members. What actually happened was that these supporters grew exponentially and we realized support in one form or another from many hundreds, indeed thousands, of citizens who agreed with making the effort to enact the ordinance. You, too, will realize support from many who will give you verbal and written affirmation that what you are doing is an excellent idea.

This was the original plan to build strategic support for reaching the target, which was to enact an ordinance prohibiting smoking in the restaurants and bars that served food in Ames.

The ATTF today is a rather loose confederation of many organizations that ally themselves with the anti-smoking forces by lending their names and personnel to the ATTF. Interested individuals, people skilled in organizational techniques, people who are experts in many fields of intellectual and social endeavor, as well as many enthusiastic teens, give time, money and expertise to the ATTF. It is simply an incredible group of people who saw the endeavor through to this point, who will seek to tighten the ordinance, and who will try to broaden the venues for clean, indoor air in the future. Smoking cessation efforts and youth concerns are paramount. What a dedicated, capable, delightful gathering of interested citizens!

If your community seeks to follow the lead of Ames, we can only hope that you have such a group of interested, dedicated, capable people to guide the project through the swamps filled with alligators snapping at your heels.

You may experience some setbacks. You may doubt your ability to arrive at your final destination. You will encounter some rock-solid resistance in the form of protests that you are trying to rob citizens of their "rights." Just remember that you are working to assure health benefits for ALL of the people involved. (Non-smokers and workers have "rights" too.) Non-smokers and employees surely have the right to breathe unpolluted air when they frequent public places. Iowa law makes it very clear that, even though restaurants are privately owned businesses, they are "public places."

It is our hope that as you read through these pages, you will find some ideas that may be helpful to you in charting your course.

"May the Force be with you!"

-Selected Quote-

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites." *Burke*

AUGUST—2000

COMMENTARY

At the outset, it is important to explain that the struggle to enact a smoking ban in Ames was framed in news articles and letters to the editor. Each time a negative article or letter appeared in *The Ames Tribune*, a member of the Ames Tobacco Task Force (ATTF) sought to counter it with an article or letter that explained ATTF's position.

Our main interest in providing this compilation and guide is that it may be of significant value in aiding other communities who want to enact smoking ban ordinances. Feel free to use any ideas or information you read here if it will help in your endeavor. Or, do a rewrite if that serves your purpose more adequately.

What follows is a series of reprints of news articles, ATTF agendas, letters to the editor, e-mails and other materials. They make their appearance in somewhat of a chronological order. While the writers generally signed each piece with a complete signature, this guide seeks only to partially identify the writers. Every article and letter can be documented with names and addresses, but we do not wish to do so here. Our main purpose is to identify ideas and themes, no matter who wrote them originally.

No attempt has been made to correct spellings, grammar, punctuation, sentence structure, nor errors by the writers. We have simply tried to be as faithful as possible in reprinting what was originally published. What you see is what you get.

Letter to the Editor – The Tribune – 08/29/00 – Lenwood M., Ames
"No smoking in Ames restaurants"

I am wholeheartedly in favor of banning smoking in all restaurants in Ames!

Further, I am embarrassed that for 35 years I gave little or no thought to the rights of non-smokers to breathe clean air, unfouled by my lousy habit. Then I contracted cancer—a direct result of my smoking. My doctors said, "Quit or die." Thankfully, I became a cancer survivor after eight bouts of surgery, 40 sessions of chemotherapy and countless days, months and years of surgery, exams, worry and trauma. Cancer is a real agony!

Now, every time I go into a restaurant, I ask to be seated in a non-smoking area. The smoke from the "smoking permitted" area does not seem to understand that it is not supposed to invade the non-smoking area.

Consequently, I still smell its acrid stench, and worry that someone else's bad habit may reawaken MY cancer. Then I worry, instead of simply enjoying my meal. I prefer going to restaurants where non-smoking is already the policy, but sometimes it is inconvenient or unavoidable.

I believe most restaurant owners (and certainly the workers) would prefer to institute a policy of "no smoking," but they fear a certain loss of revenue from smokers. If the policy were uniformly enforced in the entire city, it would clear the way for them to change their policy with no repercussions from consumers, other than encouraging smoke-haters to eat out more often.

Please give all of us air-breathing mammals a break. Help us to eat in peace and safety. Ban smoking in Ames restaurants and forgive us idiots who, in years past, were so unknowing and/or so uncaring.

COMMENTARY

In the same issue of The Tribune as my letter (above) there was a letter to the editor printed from The Ames Mayor's Youth Committee. Eight young people (Andrew, Ann, Michael, Laura, Emily, Sarah, Jacklyn and Jessica) signed the following letter. We are so proud of these young people and we are grateful for their dedication and commitment.

Letter to the Editor – The Tribune – 08/29/00 Mayor's Youth Committee, Ames
"Smoke-free dining is a good idea"

As our community enters a new century, we as the Mayor's Youth Committee believe that this century should be smoke-free. The city council is closely eyeing a potential dining ordinance and we are elated. The Ames Mayor's Youth Committee wholeheartedly endorses smoke-free dining in all Ames eating establishments. We believe this is a monumental public health issue that should be addressed across the state and we want our community to lead the way.

Ames never has been afraid to lead the way. This is a community of activists and participants, not of pessimists and apathy. We know that this is one of the finest cities in Iowa and we are proud of it. We believe that everyone who comes into this community should have the right to breathe wherever they go.

A recent study found that more and more youth are taking up smoking. The MYC has been, and will continue, to fight tobacco use among teens. Our biggest supporter (outside of the wonderful Youth and Shelter Services) has been the city council. It is the hope of the MYC that our city council will again go to bat for the youth of Ames and their freedom to breathe.

In closing, the MYC respects the Chamber of Commerce's opinion. Indeed, we are all entitled to one. However, all businesses are regulated door to Dumpster. Regulation of a business is not a new concept. Nevertheless, we realize smoke-free dining is new and we encourage all of Ames' residents and businesses to join us in supporting this ordinance. The youth of Ames stand solidly behind this measure and we are confident that our community will make the right choice.

News column - ISU Daily – 8/30/00 - Jen K. - Ames
"Smoking ban nothing but good"

I was reading the Des Moines Register last week and I noticed an article about Iowa trying to pass some laws to ban smoking in all public places—including restaurants and bars. I know that other places in the United States have already put laws into effect to ban smoking in public places including California, many cities in Colorado and other scattered cities.

In spite of this, I wasn't expecting Iowa to follow suit anytime soon. I was quite impressed. I have thought for a long time, actually, ever since California took the plunge on banning smoking, that other places would quickly follow. I suppose they are following, just very slowly.

I have nothing against smokers—whatever blows your hair back—and I must admit that I have had an occasional smoke myself, but smoking has no place in public.

Some people might argue that restaurants separate the smoking and non-smoking sections, but all that smoke that is lofting around has to go somewhere. Anyone who has ever been to Perkin's at any hour of the night knows what I am talking about. You always reek of smoke when you get home. Although it is a good excuse to cover the fact that you were at a party earlier that night when you told your parents you went to a movie with the girls. Other than that, you just smell.

Smokers might think they are hurting no one but themselves by smoking, but research shows how bad second-hand smoke is. Some people might even go so far as to say it is worse for you than smoking cigarettes themselves.

According to an article from the National Clearing House on Tobacco and Health, "Second-hand smoke contains over 4,000 different gasses, metals and liquids. About 50 of which cause cancer." When all that smoke is floating around bars and restaurants, it spreads out and settles on tables, chairs, and any other surface anyone could touch and over time can cause cancer. According to the 1993 issue of the New England Journal of Medicine, 'Passive (or second-hand) smoke causes around 3,000 deaths a year from lung cancer alone.'

This does not even include the other illnesses it might cause. A lesser, yet still serious problem second-hand smoke is attributed to, is that it is the cause of thousands of children developing asthma every year they wouldn't have had otherwise. It is also one of the biggest causes of respiratory infections in infants.

Those facts dispute the argument that smokers might make that it is their right to smoke wherever and whenever they want to.

If you are doing something that hurts another person or could possibly endanger the health of someone else, you shouldn't do it. It's just common courtesy.

What people do with their own time and with their own things is their business, but when it bothers other people, you should stop or go somewhere where you won't bother anyone.

I think that one of the only factors that is keeping states and cities from going the extra step to stop smoking in restaurants and bars is the fear of losing customers who are smokers.

This is especially true in bars, since beer and cigarettes go together like popcorn and pop. According to a survey conducted by the American Medical Association/American Public Health Association, this speculation is not true.

The survey found about two-thirds of people surveyed said ending smoking in restaurants and bars would have no impact on how frequently they would patronize those establishments. It also reported that three in 10 people said they would dine out more often in smoke-free restaurants.

The survey found that nearly 40 percent of people said they even avoid some places because of the cigarette smoke. One in five people said they would go to smoke-free bars more often. From the look of these results, it seems like bar and restaurant owners could stand to gain some business by going smoke-free.

Since these results are only from a survey, it is hard to see what would happen in a real-life situation. But a 1997 issue of The American Journal of Public Health showed no adverse economic impact of smoking bans in California and restaurants in both Colorado and California. If anything at all, it was a positive effect.

I think that if legislators would look at all the statistics from California and Colorado, they would be more apt to take action.

Maybe they could even make designated smoking and non-smoking bars.

I know the day has to be coming, especially on the heels of all of the anti-smoking publicity that is all over lately. I just hope it is sooner rather than later."

COMMENTARY

Jen K. was a sophomore in journalism and communication at the time she wrote this article. In the same issue of the ISU (Iowa State University) Daily, there appeared another article by another student.

News column - ISU Daily – 8/30/00 - Jake P. - Ames
"Smoking ban wrong"

"As everybody probably knows, the Ames City Council will be considering on Sept 12 whether or not to ban smoking in Ames restaurants. One should not smoke around others who are trying to eat. It is smelly, unsightly and just plain rude.

I never smoke in a restaurant, unless I am seated at the bar. I cannot stand to see or smell anyone firing up a cigarette while I am trying to have a meal. All restaurants should ban smoking and give everybody a more pleasant dining experience. But to force them is nothing short of wrong.

The issue has been dubbed a health issue according to George Belitsos. I say it is a freedom of choice issue.

Certainly smoking is bad for everybody. Of course, one should think about the consequences of smoking before lighting up. But does that mean they should not have the right to smoke?

Our freedom of choice is infringed on more and more every day. For example: seat belt laws, helmet laws, art vs. pornography and even things we do in our own homes. This new ban on smoking is just another way for the government to make choices for us.

We should not be so willing to give up our freedoms just because we do not like it when others indulge in them. Our nation has become completely whimsical.

We seem to think matches are for sparking joints and burning flags, but damn the man who smokes in public.

Lenwood Monte was right when he wrote in his letter that most people would be in favor of non-smoking restaurants, but he fails to see the implications of a forced ban. California has such a ban, but they decided to extend their governmental strangle hold to all the bars and taverns. What's to stop that from happening here?

Mr. Monte wants the ban because of his recent bout with cancer due to smoking. Mr. Monte, do not hide behind a banner of health and concern for others.

You and I know that if you had not contracted cancer you would probably be smoking one right now as you read this letter. The fact is YOU, not cigarettes and second-hand smoke are to blame for your cancer. You chose to smoke when you knew cigarettes were bad for you.

Let us, as a society of free people, make the choice to let others make their own choices. Freedom of choice works for speech and it has worked for the last 200 years. Why change it now when it has become so popular world wide?

I encourage everybody to not support a ban on smoking in restaurants and support your freedom of choice."

COMMENTARY

Jake P was a senior at ISU, studying journalism and mass communication when he wrote this letter. Obviously, we can hope that he has learned a lot more in the school of hard knocks than he apparently learned during his four years in college!

The members of ATTF rarely, if ever, attacked dissenters directly. We tried not to "retaliate" when we were hit head on by an ungifted writer such as Jake. We often referred to certain lines in a certain articles, but usually it was an oblique reference, seldom personal. Jake had no personal knowledge of me and called my cancer "recent," which is okay with me if you can call a twenty-year interlude "recent." (Diagnosed in 1980, it took nearly a decade to complete surgery, chemo, and come to the realization that I probably was a "survivor.") Rather than "strike back," it seems much better to ignore direct attacks and "take the high road." Continue to press forward with the theme that it is a health issue (it is!) rather than a rights issue. That is the banner we fly and the theme that must eventually prevail!

One of the first tasks for the ATTF was to identify which restaurants in Ames were smoke-free and which ones allowed smoking. Our first survey found that of ninety-eight restaurants, 34 (or 35 %) allowed smoking and 64 (65 %) did not. One of the interesting facts we discovered was that nearly all of the fast food businesses were already smoke-free. The restaurants with wait staff were mainly the ones that allowed smoking areas (which means smoke permeates the air in the entire building, does it not?) We created a list that identified each restaurant (by name and address) for its policies. If you are interested in pursuing a smoke-free ordinance for your community, we suggest that it might be helpful to prepare the same kind of listing of the restaurants in your area.

COMMENTARY

On October 27, 2000, I wrote a letter to the owner of Great Plains Sauce and Dough Co., a really great pizza place in Ames. It is included here as an example of what you might try to help effect change in the minds of business owners who believe that they must cater to smokers rather than to the non-smoking public. [They need to know that "we ain't gonna' take it anymore!"]

Letter to Businessman - GPSD Co. - 10/27/00 - Len Monte – Ames

Sir:

I am an ardent fan of GPSD! I like nothing better than to sit down to a lunch of a couple slices of your Canadian bacon pizza, with a side salad, a soft drink—and top it off with a bit of honey on the crust.

Today my wife and I came in, stood in line for about ten minutes, then left just as we got close to the order counter. I know that you have an excellent business and that my small order of perhaps six or seven dollars is not going to affect your bottom line very much. I just felt that I should tell you the reason why I left with a very disappointed feeling.

It is only on rare occasions that I encounter smokers in your place of business. I am not sure why that happens, but your customers do not ordinarily light up. At least that has been my experience until today.

I simply cannot tolerate smoke, having been a smoker for about thirty-five years and having developed cancer as a result of my folly. I am a survivor, but now find myself terribly allergic to ETS (Environmental Tobacco Smoke) and I remove myself from it as quickly as possible.

I saw a sign on your front door, "Thank you for not smoking." I thought that perhaps you had decided to get a head start on the proposed smoking ban in Ames. Too bad! I do believe you would increase your business substantially if you would ban all smoking in your business place, thereby catering to 80% of the population rather than the 20 % who still smoke. Even that 20% apparently does not *always* (or even *often*) feel the need to smoke while they are in your shop. Unfortunately, one cigarette spews smoke over the entire store—and you have thereby catered to ***one*** customer, while alienating ***two*** (at least!).

You have a great product! I hope the next time I visit your shop, I'll be greeted with more respect from your customers, who I am sure, are oblivious to the fact that their smoke smells like dirty feet, kills most people's appetites, is unhealthy and has the effect of shooting your business aspirations in the foot.

Thanks for your consideration of my letter.

Sincerely,
(Signed) Lenwood Monte

[By the way, I hope I got his attention—but I received no response….]

-Selected Quotes-

"The only freedom which deserves the name is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it."
John Stuart Mill

"Liberty is not the right of one, but of all." *Herbert Spencer*

SEPTEMBER—2000

Letter to the Editor – The Tribune – 9/09/00 – Randy M, Ames
"Mystifying decision"

The vote by the executive committee of the Ames Chamber of Commerce not to support the ban on smoking in restaurants the City of Ames is considering is mystifying. The arguments in favor of a ban on indoor smoking are overwhelming, from any point of view.

Economically, numerous studies have shown that a ban on smoking is great for business. Nearly 80 percent of all customers do not smoke.

In addition, most tourists (potential customers) do not smoke.

A 1997 survey in Massachusetts showed that 61 percent of randomly called respondents predicted no change in their patronage at restaurants due to smoking bans, 30 percent predicted increased patronage and only 8 percent predicted a decrease in usage. Moreover, studies done after cities or states banned smoking in restaurants (New Jersey, Vermont, Utah, California, New York City, Flagstaff, Arizona, Boulder, Colorado) have shown increases in revenues or consistent revenues after passage of ordinances.

From a business point of view, not only are your employees not exposed to harmful carcinogens, but they suffer fewer respiratory illnesses and tend to take fewer sick days.

From a health standpoint, the effects of second-hand smoke on customers and employees alike are well documented.

For millions of people who suffer from asthma, heart disease or are survivors of cancer, there simply is no choice but to avoid smoke-filled public places.

From a rights point of view, there is a substantial body of law to promote the passage of ordinances that protect the health and safety of the public. Don't let anyone fool you into thinking that this is about government interference into private rights.

The U.S. Constitution grants no right to smoke in public places. But legal tradition in the U.S. has been that state and local governments were "instituted for the 'common good,' for the protection, safety, prosperity and happiness of the people, and not for the profit, honor or private interests of any one man, family or class of men." (Massachusetts State Constitution, 1780)

Property used in a public manner, as are restaurants, is subject to regulation for the common good (Munn vs. Illinois). Every business owner or holder of property has a legal, implied liability that it may be regulated so that the use of the property may not be injurious to the rights of the community (Commonwealth Vs Alger). Clean air is a community right.

Despite these arguments several council members remain unconvinced. Let the Ames City Council hear your thoughts. Call your council member or attend the city council meeting at 7 p.m. Tuesday.

Hundreds of people in Ames let their opinions be known about banning burning within the city of Ames. Speak up again. There is a lot of misinformation about smoking bans.

Smoking bans are good for health, good for business and the right of every citizen. Together we can clear the air for everyone.

-Selected Quote -
"Headstrong liberty is lashed with woe." *Shakespeare*

Letter to the Editor – The Tribune - 09/09/00 –Anne S. Nevada
"Don't expose youth"

I am looking forward to the Ames City Council's discussion of a smoke-free restaurant ordinance. As a Mary Greeley respiratory therapist for 15 years, much of my time has been committed to tobacco prevention and cessation with Ames youth.

My prevention education in the schools has focused on addictive properties of nicotine, risks of tobacco use and the misconception by youth that a majority of adults are smokers.

We need to change this perception as it leads youth to begin smoking. Through an Ames smoke-free restaurant ordinance, we can do that by reducing the amount of public smoking our youth are exposed to.

Letter to the Editor – The Tribune – 09/09/00 –Barbara S., Ames
"Smokeless"

What's wrong with this picture? The Ames City Council has banned the burning of leaves outdoors because the smoke is harmful to people but has not banned the burning of tobacco leaves in restaurants for the same reason?

Letter to the Editor – The Tribune – 09/?/00 – George & Jan B, Ames
"Smoke-free restaurants"

We encourage the Ames City Council and the mayor to support the proposed ordinance banning smoking in restaurants. We would dine in restaurants more if we knew that they would be tobacco-free. California prohibits smoking in restaurants; New York City and Madison, Wis., are two cities that have led the way in tobacco-free dining. Let's have Ames join those leading locations!

Tobacco-free dining would benefit diners and those employed in restaurants. The health hazards of working in a smoke-filled atmosphere are well documented. Banning smoking would have immediate and long-term benefits beneficial to all. Restaurateurs could lower their upkeep costs if they did not have to deal with smoke-related maintenance costs. Banning smoking seems to us like a win-win proposition.

We urge the council and mayor to listen to the Mayor's Youth Committee and other groups that are calling for tobacco-free dining. Passage of the ordinance would be a fine way to accompany the city's current efforts to increase compliance of area businesses with the tobacco law.

Letter to the Editor – The Tribune – 09/06/00 – Laurie G.F., Ames
"Smoke-free restaurants"

For 10 years I smoked three packs of cigarettes daily. I tell you that so you will know I can see both sides of this issue. Luckily I was able to quit 22 years ago, but 12 years ago I was diagnosed with asthma. Dust, animals and smoke trigger attacks for me that sometimes send me to the emergency room if my inhaler is inadequate.

My family always requests to be seated in the non-smoking section of restaurants, but as I'm sure you've all experienced, there is often inadequate separation and ventilation. Frequently the entire evening, much less the meal, has been a waste for me. I enthusiastically support the idea of making restaurants in our town smoke-free!

Our daughter has spent the last ten years waiting tables in various restaurants. Most recently she worked at Mondo's Tomato Pie in Iowa City. That restaurant took the bold step of forbidding smoking a year or so ago and they say they have not seen ANY decline in their sales. For as long as I can remember it has been unlawful to smoke in a movie theater. That has not kept many smokers from seeing movies, and it doesn't take longer to consume a meal than to see a show. Fires in theaters caused deaths and being subjected to second-hand smoke has been proved dangerous as well.

As a first-grade teacher I strive to teach my students to never smoke. I am keenly aware of the impact that media, advertising and peer pressure have on youth. Making our restaurants in Ames smoke-free would provide a healthier environment for workers and customers. It would also set a better example for our youth. If you feel as I do, I encourage you to contact your city council members. Ask them to make the decision that would benefit the most people in the most important way!

COMMENTARY

The above letter is especially significant in that it also gives us a clue that laws have been enacted in the past to regulate smoking. I had not thought about the fact that it is illegal to smoke in theaters. Why did not theater owners and movie-goers complain vociferously about their "freedom" to allow smoking in theaters when ordinances were laid down to prevent it. As "public places" for people to gather, there is little difference between theaters and restaurants, as far as being gathering places for air-breathing humans is concerned.

Letter to the Editor – The Tribune – 09/19/00 – Gary E., MD Ames
"Smoke-free restaurants"

I am a family practice physician and have seen much of the disease that firsthand and secondhand smoking cause. I support the efforts to ban smoking in public places. This ban seems important to me for two reasons. First, the workers in restaurants where smoking is permitted, whether it be in non-smoking or smoking sections, are being exposed to daily chemicals that can harm them. Second, I think that the less our impressionable youth see adults smoking, the less they will think that this is a normal acceptable way of life. Hopefully, fewer of them will, therefore, start smoking. An across the board ruling for all restaurants in the Ames area to stop smoking should not adversely affect any particular restaurant's business.

Letter to the Editor – The Tribune – Date ? – Johnie H. Ames
"Ruling would aid businesses"

I am disappointed, but not surprised, that the Ames Chamber of Commerce Executive Committee voted not to support the Ames City Council proposal to ban smoking in restaurants. Presumably, the chamber opposition is because business tends to oppose regulation of any kind, and prefers to make changes based on their own good business decisions. I agree with the chamber that we have far too much burdensome regulation. I think we generally should focus regulation on health and safety protections, and less on picky regulatory details.

Still, I suspect that a majority of the chamber members personally would prefer to eat in a smoke-free restaurant, especially with their family.

Well, I have good news for them! There is some data available that indicates that those restaurants that become smoke-free have an increase in business: those people who stay at home rather than face the difficulty of eating in a smoke-filled environment suddenly are free to go out and enjoy an evening of dining at a local restaurant. So, more people would eat out. Having a uniform citywide policy means that you will not lose the smokers to a restaurant that allows smoking. It is a win-win situation; the restaurants get more business and the non-smoking public is able to enjoy their meal in comfort and good health.

I certainly encourage the city council to request the city attorney to draft the ordinance at its meeting on Tuesday, then hold a public hearing to get further input from the public, including the affected business people and the affected public. (*Johnie H. is a State Senator who lives in Ames. Perhaps we should say she was State Senator. In 2002 Johnie decided not to run for re-election. We are grateful for her significant help in this effort.)*

Letter to the Editor – The Tribune – 09/01/00 – Jim H., Ames
"A Smoke-free dinner hour"

On the question of the city council banning smoking at restaurants in Ames, the usual arguments focus on the medical harm from smoking and from secondhand smoke. I'd like to add a few additional, non-medical reasons.

For many years it seemed that a majority of adults smoked. And they insisted that smoking had to be permitted because they were in the majority. What's sauce for the goose....

Second, why should restaurants be a haven for smokers any more than a movie theater. Can you imagine what allowing smoking in a theater would do to attendance? Is it any safer smoking in a crowded restaurant?

Third, when people are allowed to smoke in a restaurant they abuse the privilege by smoking excessively—they smoke constantly and repeatedly, filling the air with their unpleasant, unhealthy fumes. Smokers convert a restaurant into a tobacco den.

Fourth, the smoking area in most restaurants (e.g., Wallaby's, Carlos O'Kelly's, Long John Silver's) is separated from the non-smoking area by an imaginary line. Air flows freely between the two seating areas, and some tables/booths in one area are only inches away from the other with nothing more between them than a waist-high partition. I once left Okoboji's because the air was so full of smoke that it was chokingly unpleasant even over on the non-smoking side.

Restaurants with walled-off rooms (like airports have) including ventilation systems that keep the air separate, should be allowed to permit smoking if they want to.

Fifth? Won't a ban kill business? It didn't at Fazoli's, Godfather Pizza, Battle's Bar B-Q, Flame and Skewer and several other restaurants. This was the argument many duplicate bridge players heard about banning smoking from the bridge table—but it's been banned for years and there is no support for allowing it again.

We all remember the time when smoke filled virtually every room we were in. At night, we'd take off our clothes and they would reek with stale tobacco.

Ban smoking in restaurants? Why is tobacco legal at all? Tobacco use is substance abuse. In the meantime, let's make the dinner hour smoke-free and enjoyable for all.

COMMENTARY

All of us can understand Jim's frustration with tobacco use. However, we must remember that tobacco is a legal product. Our present goal is not banning all use of tobacco products (although that would be a marvelous option, were it available), but rather, simply to begin the process of protecting the health of workers and customers through implementing a simple ordinance to limit tobacco use in restaurants. Remember, "incrementalism" is the name of the game.

ATTF, we believe, was wise to stick with its policy of achieving its goals through incrementalism. At one point it cost us the defection of The American Cancer Society from the ranks of "the faithful" because ACS wanted all of us to pursue a much larger goal immediately. ATTF wanted "the whole loaf" too, but knew that it was unachievable in this first-ever effort. "Half a loaf is better than none," is still our watchword, although ATTF's goals are aimed much higher than that, as are those of the American Cancer Society. We are in complete agreement that tobacco is an accursed product that has no legitimate place in human usage.

ATTF Agenda—September 22, 2000 (partial)

1. Welcome/ Call to Order 2. Introductions 3. Review/Approve Agenda
4. CCJ (Center for Creative Justice) Meeting Update 10 min.
a. Review today's meeting b. Next meeting dates – Sept 28, Oct 6 c. Resource people and materials for the next meeting.

COMMENTARY

The Center for Creative Justice (CCJ) became involved when the City Council asked that a facilitator help us "fight fair" in the battle to enact the ordinance. CCJ helped establish "Ground Rules" for both sides in discussions between the "pro" and "con" factions prior to writing the ordinance. Several meetings were held between representatives of the restauranteurs and members of the ATTF.

As examples of what we established for "Ground Rules" the following are set forth:

Reflection consists of: 1.The "receiver" of the message states in their own words what they heard. 2.The "receiver states any unexpressed assumptions of the "heard" along with any inferences (especially concerns.) 3.The "sender" then corrects the misinterpretations.

- "Let's try to understand each other's concerns rather than insist that our own concerns are the only legitimate ones."
- "Research shows that the public's judgments are rarely the result of careful analysis of factual information."
- "Information stripped of feelings is not the royal road to public judgment. Dialogue, rich in feelings and values is." (Quotes by D. Yankelovich, 1999)

5. Council Update/Process Timeline – 5 min
6. Community Forum – 20 min
   a. Possible dates b. Location
   c. Panel Members:
      1. Local restaurant owner that is smoke free for health reasons
      2. Local physician
      3. Local economist
      4. Guest from another community that has already gone smoke free
      5. Others?
   d. Invitations & Programs: American Cancer Society
   e. Media – Local Access TV coverage; TV/Radio & Newspaper
   f. Handouts/fact sheets – American Cancer Society
   g. Refreshments

COMMENTARY

This community forum took place at the City Hall early in October, 2000. About 70 persons attended.

It was at about this time that the ATTF realized that we could not achieve all we wanted to achieve in one, fell swoop. We realized that we would have to approach the goal of becoming smoke free through a process that involved "incrementalism." We would be wise to pursue the goal of "half a loaf is better than none." We called it simply, "a step in the right direction." Time is on the side of non-smokers. We can work toward "smoke-free" in "increments." No one will be safe from smoke until tobacco is no more—but outlawing tobacco completely is problematic at this time. So, at what point do you stop? "Incrementalism" will work much better than insisting on absolute "prohibition." Be careful though—don't give in too much or too soon as you pursue your course toward the goal of enacting an ordinance. You want a strong ordinance.

WHAT GUIDELINES DO WE FOLLOW?

COMMENTARY

Even though many of the early guidelines were modified or changed completely, the business owners and ATTF were beginning to compromise on the details of an ordinance. The restauranteurs were convinced that they could not forestall the eventual enactment of an ordinance of some kind, so they came forward with a proposal that gave them some options. Their most urgent request was for giving all owners "a level playing field." (Some of the owners operated bars connected with their restaurants and did not want to give possible "advantage" to some of their competitors.) ATTF was willing to compromise. Upon reaching this level of mutual understanding, ATTF began to prepare for a Community Forum to be held at City Hall on October 2, 2000. More than 70 people attended that Forum and it gave great impetus to both the City Council and ATTF to pursue enactment of the ordinance. More about this later….

NON-SMOKING ORDINANCE GUIDELINES

1. That restaurants without liquor licenses will be non-smoking from 6:00 am until 8:30 p.m. At such time they may break out a proportional share of the restaurant as the State Law now reads for a smoking section. No customers under 18 years of age will be allowed in the smoking area.
2. Restaurant, Bar, or Tavern liquor license owners shall be non-smoking from 6:00 am until 8:30 p.m. At such time they may break out a proportional share of space as the State law now reads for a smoking section.
3. All outdoor seating areas will come under the guidelines of Indoor Dining Regulations if food is served.
4. Taverns shall be exempt if food sales are 10% or less of gross sales.
5. Truck-Stop establishments are exempt from the listed guidelines when restaurants include smoking areas that are glass-enclosed and provide separate ventilation system. If modifications are made to the restaurant spaces, the smoking area space shall be maintained.
6. Pool halls, which restrict admittance to individuals under the age of 21, are exempt from the listed guidelines.
7. Bowling establishments shall provide compliance via one of the following:
   - Comply with restaurant guidelines as stated above.
   - Shall be non-smoking from 6:00 a.m. until 6:00 p.m. At such time they may break out a proportional share of the bowling alley as the State Law now reads for a smoking section. No customers under the age of 18 years of age will be allowed in the smoking area.
   - Shall be exempt from the listed guidelines when the bowling alley includes a smoking area that is glass-enclosed and provides separate ventilation system.

Guidelines Common to All:

- Common areas of hotels and motels shall be smoke-free.
- A smoke-free zone of 15 feet at the entrance/exit of all public spaces shall be maintained, except in locations where adjacent establishments preclude such stipulations.
- Live Music Venues shall not be addressed at this time.

Compliance with these guidelines shall be enforced no earlier than six months after the 3rd Reading with no Suspension of Rules. These guidelines under law shall be diligently enforced.

News Article – The Tribune – 9/11/00 – Daniel Lathrop, Staff Writer
"City Council to address tobacco, liquor issues"

Liquor and cigarettes will draw the Ames' City Council's attention at its meeting Tuesday night.

The council meets at 5:15 p.m. in Council Chambers at City Hall.

When it comes to liquor, the council will consider new guidelines for renewing liquor licenses. The proposed guidelines were worked out between city officials and local bar owners during a meeting last week.

The changes moderate City Attorney John Klaus' policy of not supporting the renewal of any liquor license that comes up for renewal with 12 or more underage patrons caught on premises during the prior year.

Under the proposed rules, recommendations for renewal would be made based on a police judgment of whether a bar is working to prevent underage drinking rather than any tally of underage drinking violations.

Councilors then will discuss banning smoking in Ames restaurants.

The smoking ban is a move the city has been considering for some time. The city council delayed the issue in June to study the issue and get feedback from the chamber.

The Ames Chamber of Commerce board has since voted 12-2 against the proposed ban.

David Maahs, the chamber's executive director, said board members want businesses to be able to make their own decisions about banning smoking.

Smoking-ban backers see the proposal as a way to discourage Ames youth from lighting up.

If councilors decide to move forward with the smoking ban they would likely forward the matter to Klaus' office to prepare a new city ordinance and vote on it at a later meeting.

Both tobacco and liquor licenses changes are afoot because of city efforts to curb underage substance abuse.

COMMENTARY

As you can see from the above article, ATTF had no help at all from the Chamber of Commerce who voted 12-2 against support for the ban. Through the entire process, the Chamber provided no support for the ban and indeed, many of its members and officers campaigned against enactment of the ordinance. That is, of course, their right and privilege. However, it was a disappointment to many of us who saw the chamber's stance as "looking through the wrong end of the telescope." Many of us also saw what we perceived as a bias of the media against what we were attempting to accomplish. Reporters and writers can use language "creatively" to slant news reports in one direction or the other. We do not fault them for this. It happens simply as a natural part of what the reporter sees, believes personally, and thus—writes.

News Article – The Tribune – 9/15/00 – Daniel L., Staff Writer
"Opponents hope to cool city's anti-smoking ardor"

While a unanimous City Council has Ames one step closer to a ban on smoking in restaurants, opponents are hoping they can do something to cool the city's anti-smoking ardor.

One of those opponents is Bob James, an ex-smoker. The Des Moines resident owns the Cyclone Truck Stop south of U.S Highway 30.

The truck stop is just that, a place for drivers to stop, refuel, grab a bite to eat in the restaurant and pick up sundries in the convenience store.

Unfortunately for James, that means that most of his customers couldn't care less about Ames.

We consider anyone within a 150-mile radius is our competition for truckers," he said. "And not just truckers, but the traveling public."

James thinks he'll lose 10 to 30 percent of his business if Ames bans smoking. None of the customers at the truck stop Thursday afternoon, however, said they would stop stopping during their long hauls.

Keith Liedling, a trucker from Fort Dodge, said he'll keep coming either way. He's been stopping at the Cyclone for 20 years, and he's a smoker.

He said most truckers would keep coming. Would any go elsewhere if they couldn't smoke? "There'd probably be a few that would," Liedling said.

James didn't say that all his business would dry up, far from it. But he said that it wouldn't take a big loss to put him out of business.

James said his truck stop could survive a 10 percent downturn in business, but that he would have to change the way it operates. Any larger downturn and the Cyclone, an Ames fixture for 30 years, would be history, he said.

A refrain heard over and over from smokers at the truck stop and other Ames restaurants is that they wish they could be left to smoke in peace.

Larry Coffman, of Woodburn, was smoking over lunch at Wallaby's in west Ames Tuesday. What did he think of the ban?

"Too much big brother interfering," he said.

Coffman was in town for training and said he would have eaten in Ames with or without a ban.

Meanwhile, proponents of the ban say that a downturn in business is unlikely and point to statistics showing a rosy situation for eateries in California, where smoking is forbidden in all restaurants and bars.

They also cite the U.S. Environmental Protection Agency, which in 1992 names secondhand smoke a carcinogen. The EPA also did a study concluding there was scientific evidence of that, although a federal judge later threw out the evidence.

The magic number for proponents is 53,000—the number of annual deaths in the U.S. they chalk up to secondhand smoke.

James said he's willing to talk to proponents of a ban, and that he's even willing to compromise. He just doesn't want to see his business go up in a lack of smoke.

We'll certainly make suggestions," James said. "How much luck we have with that, I have no idea."

Letter to the Editor – The Tribune – 9/19/00 Arne H, Dept. of Economics, ISU
"Smoking ban and restaurant revenue"

The proposal before the city council to ban smoking in Ames restaurants has obvious and easily validated health benefits. Some individuals and groups have voiced opposition to the ban based on the hypothesis that a smoking ban will lead to revenue reductions for local businesses. A number of careful scientific studies show that this hypothesis is not supported by data.

A classic and frequently cited study by Glantz and Smith in the 1994 issue of the American Journal of Public Health considers the impact of smoking bans on restaurant receipts in 15 California and Colorado communities.

A control group of 15 similar cities without smoking bans or with limited nonsmoking seats was used as a comparison. The data cover a period of several years both before and after smoking bans were implemented. A statistical model was used to examine the impact of a non-smoking ordinance on restaurant sales as a fraction of total retail sales or the ratio of restaurant sales in cities with a ban and cities without a ban.

In each case, the hypothesis was that a smoking ban similar to the one proposed in Ames would make this fraction or ratio fall. The conclusions were that smoking bans have no statistical impact on restaurant receipts. This was even true for communities that chose to enact and then repeal a ban.

A more recent study by David Corsum in the Cornell Hotel and Restaurant Administration Quarterly (1996) found that the increase in the number of nonsmokers dining out following the enactment of a smoking ban was so much larger than the decrease in the number of smokers who chose not to dine out that restaurant owners actually gained from the policy.

And most recently, a study in January 1999 by economist Laura Dresser of the University of Wisconsin found that the smoking ban in most of Dane County, Wisconsin, had no negative impact on restaurant revenues as compared to the rest of the state where no such ban is in effect.

The bottom line is that smoking bans have no aggregate impact on restaurant sales in the area where enacted.

On a slightly different note, while there is not much scientific evidence to date documenting the impact of restaurant smoking bans on the prevalence of smoking, a forthcoming article in the American Economic Review by Evans, Farrelly and Montgomery of the University of Maryland found strong evidence that the enactment of workplace smoking bans reduces smoking prevalence by 5 percent and daily consumption among smokers by 10 percent.

While these results cannot be extrapolated to restaurant bans, they point to the clear potential for smoking bans to have much broader positive social benefits than the simple reduction of secondhand smoke."

Letter to the Editor – The Tribune – 9/19/00 Kirk D. Ames
"Council should support smoking ban"

"One of the heartening aspects of living in Ames recently has been the willingness of our city council to debate the issue of smoking in restaurants. There are two reasons I strongly support this ban.

First, as the father of three daughters who each functioned as food servers for several years, I know the awful aspects of their being assigned to the 'smoking section.' Not only did their clothes reek, but it also became a health hazard for each of them. Having to spend several hours continuously breathing smoke led to heightened allergies, nausea, etc. No workers should have to endure this as part of their working conditions.

Secondly, as a longtime teacher at Ames High, I have been discouraged in recent years by the marked increase in the number of teen-agers smoking. Yes, it's happening right here in our community.

This city needs to not only provide the safest environment for our young people but also to send the strongest possible message that this type of behavior will lead to long-tern, serious consequences.

I urge each one of our council members to support the anti-smoking ordinance Tuesday."

Letter to the Editor – The Tribune – 9/19/00 – Jan B, Ames
"Smoking ban is public health issue"

Many arguments have been made for and against the proposed ban on smoking in Ames restaurants. However, the wide-ranging illnesses attributed to secondhand smoke are well documented, clearly making this a public health issue not only for restaurants' patrons but for their staffs. That is why I ask you to join me in urging the Ames City Council to vote in favor of the smoking ban at the city council meeting on Tuesday. Please contact Ann Campbell at (—), Russ Cross at (—), Steve Goodhue (—), Judie Hoffman at (—), Herman Quirmbach at (—) and Sharon Wirth at (—) and share your concerns. Remember, "democracy works only when it is participatory."

COMMENTARY

The names in the above letter were the then members of the Ames City Council. We deleted their phone numbers that were provided in the letter.

Letter to the Editor – The Tribune- 9/19/00 Robert B. Ames
"No need to legislate smoking ban"

"Why doesn't the Ames City Council ban smoking in the entire city, not just restaurants? Then they can change the city's name to Eagle Rock, form a Christopher Mott Society to enforce the ban and appoint Councilman Quirmbach as head enforcer. Ames wouldn't have the distinction of being "first in Iowa," remember this was the plot of a Dick Van Dyke comedy about 30 years ago, but we can't have everything.

Do I think these suggestions are silly? Yes, precisely as silly as the City Council passing an ordinance to cover the pet peeve of a few citizens. Am I advocating smoking? No, I just fail to see why we need to legislate a business decision."

COMMENTARY

During the entire time we worked to enact this ordinance, we were constantly taken to task by some who saw the entire controversy as one in which a few disgruntled citizens were trying to make business decisions for restaurants. It was very difficult to keep the focus on the fact that this is a health issue rather than a liberty or business issue. That, however, is the focus and the ATTF never wavered in maintaining its proper focus.

If you are serious about enacting a smoking ban ordinance in your community, you need to maintain the focus of the issue. Do not allow yourself to be swayed by the "rights" issue. Of course people have rights! It is critical to understand that in public places, all air-breathing human beings have the right to breathe air that will not eventually kill them! It is a health issue—not a "rights" issue for customers, but undoubtedly even more so for workers. They are subjected to long-term exposure with little or no recourse other than quitting their employment. That is outrageous and totally unfair.

The Tribune, our daily newspaper in Ames, provided a lion's share of news coverage in the struggle between the pro-and-con forces in the debate that raged for several months. Without that coverage, the ATTF would have been hard-pressed to "get the word out." To say that "a battle raged in the press," would not be stating the case too strongly. Both sides, believing that "the pen is mightier than the sword," used their pens with great vigor. So vigorous in fact, that we simply cannot provide every letter to the editor and every article that was printed. You would hardly be able (honest to goodness!) to hold this volume comfortably as you read. We probably would have difficulty finding binders large enough to contain all of them—and you might also be as bored as if you were watching paint dry! We'll include a few of them here and hope that we have included the ones that will help you in your efforts to pass a smoking ban in your area.

-Selected Quote-

"The only freedom worth possessing is that which gives enlargement to a people's energy, intellect and virtues." *Channing*

smoking bans were implemented. A statistical model was used to examine the impact of a non-smoking ordinance on restaurant sales as a fraction of total retail sales or the ratio of restaurant sales in cities with a ban and cities without a ban.

In each case, the hypothesis was that a smoking ban similar to the one proposed in Ames would make this fraction or ratio fall. The conclusions were that smoking bans have no statistical impact on restaurant receipts. This was even true for communities that chose to enact and then repeal a ban.

A more recent study by David Corsum in the Cornell Hotel and Restaurant Administration Quarterly (1996) found that the increase in the number of nonsmokers dining out following the enactment of a smoking ban was so much larger than the decrease in the number of smokers who chose not to dine out that restaurant owners actually gained from the policy.

And most recently, a study in January 1999 by economist Laura Dresser of the University of Wisconsin found that the smoking ban in most of Dane County, Wisconsin, had no negative impact on restaurant revenues as compared to the rest of the state where no such ban is in effect.

The bottom line is that smoking bans have no aggregate impact on restaurant sales in the area where enacted.

On a slightly different note, while there is not much scientific evidence to date documenting the impact of restaurant smoking bans on the prevalence of smoking, a forthcoming article in the American Economic Review by Evans, Farrelly and Montgomery of the University of Maryland found strong evidence that the enactment of workplace smoking bans reduces smoking prevalence by 5 percent and daily consumption among smokers by 10 percent.

While these results cannot be extrapolated to restaurant bans, they point to the clear potential for smoking bans to have much broader positive social benefits than the simple reduction of secondhand smoke."

Letter to the Editor – The Tribune – 9/19/00 Kirk D. Ames
"Council should support smoking ban"

"One of the heartening aspects of living in Ames recently has been the willingness of our city council to debate the issue of smoking in restaurants. There are two reasons I strongly support this ban.

First, as the father of three daughters who each functioned as food servers for several years, I know the awful aspects of their being assigned to the 'smoking section.' Not only did their clothes reek, but it also became a health hazard for each of them. Having to spend several hours continuously breathing smoke led to heightened allergies, nausea, etc. No workers should have to endure this as part of their working conditions.

Secondly, as a longtime teacher at Ames High, I have been discouraged in recent years by the marked increase in the number of teen-agers smoking. Yes, it's happening right here in our community.

This city needs to not only provide the safest environment for our young people but also to send the strongest possible message that this type of behavior will lead to long-tern, serious consequences.

I urge each one of our council members to support the anti-smoking ordinance Tuesday."

Letter to the Editor – The Tribune – 9/19/00 – Jan B, Ames
"Smoking ban is public health issue"

Many arguments have been made for and against the proposed ban on smoking in Ames restaurants. However, the wide-ranging illnesses attributed to secondhand smoke are well documented, clearly making this a public health issue not only for restaurants' patrons but for their staffs. That is why I ask you to join me in urging the Ames City Council to vote in favor of the smoking ban at the city council meeting on Tuesday. Please contact Ann Campbell at (—), Russ Cross at (—), Steve Goodhue (—), Judie Hoffman at (—), Herman Quirmbach at (—) and Sharon Wirth at (—) and share your concerns. Remember, "democracy works only when it is participatory."

COMMENTARY

The names in the above letter were the then members of the Ames City Council. We deleted their phone numbers that were provided in the letter.

Letter to the Editor – The Tribune- 9/19/00 Robert B. Ames

"No need to legislate smoking ban"

"Why doesn't the Ames City Council ban smoking in the entire city, not just restaurants? Then they can change the city's name to Eagle Rock, form a Christopher Mott Society to enforce the ban and appoint Councilman Quirmbach as head enforcer. Ames wouldn't have the distinction of being "first in Iowa," remember this was the plot of a Dick Van Dyke comedy about 30 years ago, but we can't have everything.

Do I think these suggestions are silly? Yes, precisely as silly as the City Council passing an ordinance to cover the pet peeve of a few citizens. Am I advocating smoking? No, I just fail to see why we need to legislate a business decision."

COMMENTARY

During the entire time we worked to enact this ordinance, we were constantly taken to task by some who saw the entire controversy as one in which a few disgruntled citizens were trying to make business decisions for restaurants. It was very difficult to keep the focus on the fact that this is a health issue rather than a liberty or business issue. That, however, is the focus and the ATTF never wavered in maintaining its proper focus.

If you are serious about enacting a smoking ban ordinance in your community, you need to maintain the focus of the issue. Do not allow yourself to be swayed by the "rights" issue. Of course people have rights! It is critical to understand that in public places, all air-breathing human beings have the right to breathe air that will not eventually kill them! It is a health issue—not a "rights" issue for customers, but undoubtedly even more so for workers. They are subjected to long-term exposure with little or no recourse other than quitting their employment. That is outrageous and totally unfair.

The Tribune, our daily newspaper in Ames, provided a lion's share of news coverage in the struggle between the pro-and-con forces in the debate that raged for several months. Without that coverage, the ATTF would have been hard-pressed to "get the word out." To say that "a battle raged in the press," would not be stating the case too strongly. Both sides, believing that "the pen is mightier than the sword," used their pens with great vigor. So vigorous in fact, that we simply cannot provide every letter to the editor and every article that was printed. You would hardly be able (honest to goodness!) to hold this volume comfortably as you read. We probably would have difficulty finding binders large enough to contain all of them—and you might also be as bored as if you were watching paint dry! We'll include a few of them here and hope that we have included the ones that will help you in your efforts to pass a smoking ban in your area.

-Selected Quote-

"The only freedom worth possessing is that which gives enlargement to a people's energy, intellect and virtues." *Channing*

Letter to the Editor – The Tribune – 9/12/00 – Linda O. & Robin M.
"Take secondhand smoke off menu"

Friday evening we were thinking about what to do for supper when we noticed a coupon for an Ames restaurant that had arrived with the paper. It is not a smoke-free establishment. While we had enjoyed the food the one time we ate there, we did not enjoy the secondhand smoke.

There are several other restaurants that we no longer patronize due to their smoky air. The ones that are smoke-free get our business.

We are in full support of a ban on smoking in Ames restaurants and urge the city council to do the same. We are looking forward to being able to dine in any restaurant in Ames without having to consider the smoke factor.

COMMENTARY

Those in favor of enacting a smoking ban had to endure many news articles and columns written by reporters who worked for The Tribune. It could not be called an anti-ordinance blitz, but reporters very often tried to poke holes in our claim that our crusade was pro-health and not anti-rights. They were not very good at providing analogies (fortunately) and often made our case for us by providing ridiculous examples and outlandish comparisons.

In a column entitled "Right to choose goes up in smoke", Tim Engstrom, a Tribune reporter, provides (in my opinion, at least) a classic example of that kind of news "story."

News Article - 09/21/00 – The Tribune – Tim Engstrom
"Right to choose goes up in smoke"

Smoking is a disgusting habit. It is unhealthy to the smoker and the people near the smoker.

Because of this, folks from Youth and Shelter Services and many others are asking the Ames City Council to pass a smoking ban in restaurants. They say they are concerned about the public health from secondhand smoke and say that public health has a greater concern than the rights of restaurant owners.

"When the public health is at issue, I don't think we should be reticent to having government stepping in to regulate smoking and any other health concerns," said George Belitsos, director of Youth and Shelter Services.

Well, heck. George is right; let's just ban smoking in Ames altogether. No smoking on the sidewalk. No smoking by the river. No smoking while driving your car. No smoking in your house.

What about spanking your kids? That could be unhealthy. No spanking allowed. The preservatives in your microwaveable food aren't all that good for you. Ban them. Television gives off harmful radiation, and some even say the boob tube is addictive. Let's outlaw TV's, too. The fumes at the gas pump are unhealthy for you. Ban gas stations and gas-powered cars. You no longer have the choice to be unhealthy. As a matter of fact, you now have to run five miles a day because being fat is unhealthy. Someday, we'll all be genetically improved test tube babies because it will be more healthy than natural birth.

Welcome to the Brave New World.

But, instead, we are free. This is America. It is capitalism. We get to choose. When you go to the magazine rack, you can choose what to read, no matter how unhealthy the content of the words or pictures might be. When you go sunbathing, you choose to expose yourself to sun rays, even though they are known to cause skin cancer. *[Note: Really fuzzy thinking. These things affect only you, while smoke affects everyone it touches!]*

How would you like it if the city told you the rules of your home? That's how restaurant owners feel. They feel their rights as business owners would be taken away.

"If they don't wish to come where there is a smoking environment, that is their choice. They have plenty of choice in Ames," said Bob James, owner of Cyclone Truck Stop.

According to the Chamber of Commerce, 65 percent of restaurants are smoke-free.

James found in a survey that 71 percent of the truck stop's customers smoke. However, he said 95 percent are opposed to a smoking ban. Obviously, his customers are loyal to the restaurant's current atmosphere. And the ban could hurt his business because truckers easily can choose to eat up or down the road.

"We are not subsidized by the city in any way, shape or form. If they want to tell us how to run our businesses, then they should subsidize us or make up any loss suffered," James said.

Furthermore, the smoking ban would be yet another example of Ames conducting itself like a retirement community. Perhaps the City Council should start mandating we take Geritol once a day. It would be healthy for us.

Chalk up another reason why young professionals wouldn't want to live here. For smokers, it is the ban. For nonsmokers, it is the issues of the right to choose and government interference. And people who already smoke will keep smoking elsewhere. People who already put up with secondhand smoke will keep putting up with it elsewhere. People will remain unhealthy. *[Note: Not Pulitzer Prize quality of thinking or writing. Rather fuzzy logic—worse "reporting."]*

To make change the right way, people bothered by secondhand smoke should make an organized group effort to boycott restaurants where it exists, letting their spending dollars do the talking. A proper role for Youth and Shelter Services would be petitioning restaurant owners, not the City Council. And the City Council would be wise to focus on curbing youth smoking, not interfering with business rights.

COMMENTARY

Tim E. was dead wrong about how the ATTF should proceed. Had we organized a boycott, nothing permanent would have been achieved, regardless of our success or failure at convincing restaurant owners to change their policy—and it would not have succeeded anyway. We did not wish to harm any owner financially. We believed (correctly, it turns out) that we would actually help them financially. That is a much more positive emphasis and result.

His point about influencing youth to curb smoking is exactly the path we took. Youngsters are much more impressed by what they see adults do, than by what they say. We believe they will see far less smoking, and the fuss we stirred up will serve notice to them about the danger into which they insert themselves when they smoke. Thank goodness for YSS and the tremendous impact it makes on youth prevention and cessation! (More about this later....)

Tim's column simply demanded an answer. It took a week for my letter to the editor to be prepared and printed in The Tribune.

Letter to the Editor – The Tribune – 09/28/00 – Len Monte
"Putting out public health risks"

I want to express my gratitude to The Tribune and the Iowa State Daily for the excellent coverage given to the proposed restaurant smoking ban ordinance in the past several weeks. [*Well, perhaps that was laying it on a bit thick, but...*] It makes me proud to live in a community where both sides of an issue are examined fairly and squarely by the news media. Congratulations!

I am personally convinced that smoke-free restaurant dining is an idea whose time has finally come! Thankfully, the tide of public opinion is swinging in that direction, from California to areas on the East Coast, as well as in between. Madison and Kenosha in Wisconsin recently passed ordinances. I predict that the surge will become a flood tide as people awaken to the fact that it is not fair for anyone to be forced to breathe toxic fumes when they eat out.

We are learning more and more about the health risks of inhaling secondhand smoke. Great numbers of people are banding together and rightfully insisting that this wracking health issue be addressed immediately, if not sooner.

I remember when every movie that came out of Hollywood was filmed through a thick, blue haze of tobacco smoke. At the time, we thought it was "cool." Today when we review those films they simply look silly! And, a lot of those actors are dead from firsthand and secondhand smoke!

Prohibition will never work. It didn't work with liquor in the 1920's, and it will not work with tobacco products. Both liquor and tobacco are "legal," as we speak. One difference is that liquor physically affects only the drinker (initially, at least). Smoke, ephemeral as it is, is ingested by everyone in the vicinity.

The point is that both are already regulated. Liquor cannot be legally consumed in certain areas, by certain people. The same is true of tobacco. As we discover more about the phenomenal health risks to everyone (babies, children, restaurant workers, those at risk for heart ailments, cancer recurrence, asthma and emphysema—as well as everyone else who breathes), we need to change our minds about where this legal product can be used.

An old story tells of a father who gave each of his 13 sons a stick to break. They did so easily. Then he gave them a bundle of 13 sticks. None of them could break it. Nonsmokers, health workers, youth workers, non-addicted parents and others (80 percent) are simply trying to say that they are banding together in Ames. They ask for health consideration from all who smoke (20 percent). The majority is now asking the minority to give us a break!

Senior citizens have three standard questions to ask of each other. 1) "What did the doctor say?" 2) "What was your golf score?" 3) "Where are we going to eat tonight?" Please, do not limit our choices for No.3 based on whether or not the restaurant will make us sick—not from the food—but from the smoke!

I fully understand that some restaurant owners are fearful that a smoking ban will limit or destroy their business. I can only assert that many owners in other areas have seen business increases of 4 to 8 percent. I personally know many people who fear smoke so much or it is so distasteful to them, that they choose to eat on the basis of whether or not they will be assaulted by smoke. For many, it's not worth the hassle or the danger. Surely, it must be noteworthy that one of the largest, most popular, always crowded, restaurants in Ames is smoke-free.

We certainly know that Ames restaurant owners are not ogres, nor are they lacking in conscience, compassion or character. They are afraid of losing customers. Their fear is understandable. To try something new often generates fear as well as optimism. However, we, their customers, are afraid of losing our health or even a large chunk of our lives.

I also want to commend our City Council for their courage and hard work on this issue. I urge all Ames citizens to stand behind the council and thank them for their consideration of the ordinance being prepared for their consideration. Thank you!

COMMENTARY

When a community is "first in the State" to try to enact an ordinance like this one, it is very difficult to establish exactly what conditions need to be a part of the ordinance. Poor John Klaus! As attorney for the City of Ames, he wrote and rewrote the ordinance several times before everyone agreed that they could live with the terms if the ordinance were enacted into law. The following article (written by one of the more "anti-ordinance" reporters) shows how difficult it was to clarify what the ordinance could, should, or would contain.

News article – The Tribune – 09/29/00 – Richard L
"Positions cement in smoking debate"

The opposing sides in the ongoing debate of a proposed ordinance to ban smoking in Ames' restaurants cemented their positions at a meeting Thursday, seeming to leave little hope for compromise before the Ames City Council takes up the measure on Oct. 10 [*Not true. In my opinion, this reporter did not want the ordinance to succeed.*]

And after one closed meeting, this time the restauranteurs and anti-smoking advocates discussed the proposed ban in public. The next, and last, meeting between the sides will be on Oct. 6 and will be open.

In two hours of at times jovial probing amid tense questions that volleyed back and forth, the parties debated the draft of an ordinance prepared for the meeting by City Attorney John Klaus.

That ordinance calls for barring smoking in restaurants where less than half of the monthly gross revenues of the establishment, when calculated over a year's time, are in alcohol sales. The percentage is designed to separate restaurants from bars, which typically average a higher proportion of sales in alcohol.

However, the proposed ordinance would allow smoking in restaurants at a separate, counter-top bar, but only between 10 p.m. and 2 a.m. and provided no diners are being admitted after 9 p.m. [*A little weird, but one attempt at a solution. It was never utilized.*]

Exempted under the ordinance would be truck stops within 1,000 feet of Interstate 35. [*This provision was utilized.*]

The ordinance, if adopted, would take effect on July 1 and make Ames the first community in Iowa with a law banning smoking in restaurants.

Klaus explained the truck stop exemption this way: "The clientele is different. The people passing through are not Ames citizens."

Restauranteurs, seemingly at the outset opposed to any ordinance, now say they welcome the law—but only if it encompasses all public places in Ames. That would mean an ordinance barring smoking in bars, bowling alleys, pool halls and other indoor public areas and possibly outdoor areas considered public places. [*ATTF was very concerned, and rightly so, that the reason for their welcoming such an ordinance was self-serving. They were certain that such an ordinance would not have the ghost of a chance to pass and of course, they would have been right. That, however, was not the reason they assigned to their "welcome."*]

Why a broader law? Restauranteurs feel they are being picked on, arbitrarily chosen by the anti-smoking forces as the first plank in an eventual plan to eliminate smoking in all indoor, public places.

But the restauranteurs are unconvinced that the ordinance will spread beyond them, thus leaving them as the only businesses forced to adhere to the regulations.

"You can't take one class of people and say it's not bad for you, but (take another group like restaurants) and say it's bad for you," said Bob Cummings, owner of Aunt Maude's restaurant downtown and co-owner of O'Malley and McGees restaurant on South Duff Avenue.

But Natalie Battles, a participant representing the state chapter of the American Cancer Society, said the anti-smoking advocates are doing what's been done in other parts of America when no-smoking ordinances were being written. That means choose restaurants first, where anti-smoking advocates think the public pulse is for the smoking ban.

"What we've seen as successful in other communities is there must be a community buy-in," said Battles, an Ames resident.

Hearing that during the meeting, the restauranteurs proposed that Ames residents be polled about an ordinance—whether it be for restaurants only or for more public places—before any law is adopted. The anti-smoking cadre would not say if it would go along with that proposal.

Battles explained that a similar survey in Iowa City, which is also exploring a no-smoking ordinance, showed broad support for a smoking ban in restaurants but far less backing for a ban in bars and other indoor, public areas.

The next meeting between the two sides is scheduled for Oct. 6. Cummings said he will mail the draft law to Ames' bars to get their feedback on the issue before the last get-together planned between the two groups.

Then the Ames City Council, which ignited the debate in the first place by instructing an ordinance be drafted without consulting with the restauranteurs, will decide what to do next.

COMMENTARY

On 9/29/00, eight days after Tim's article "Right to choose goes up in smoke" Roger L., Chairman of YSS Board of Directors, had his letter to the editor published. He was protesting Tim's article. Seems like it always takes an inordinate amount of time for a letter to the editor to make it to the printed page. Suppose that's because they receive so many letters—or because they want people to forget the original article that is being protested?

Letter to the Editor – The Tribune – 09/29/00 – Roger L. – Ames
"Tribune columnist blowing smoke"

I would like to congratulate The Tribune for its editorial common sense concerning the proposed smoking ban in restaurants. In its May 16 editorial The Tribune states,

"We hope the Ames City Council has the courage to follow through on a progressive idea by Councilman Herman Quirmbach to ban smoking in local restaurants. It's sure not to be a popular idea to many people, but it's the right thing to do. There is no "right" to smoke in a public setting, and the Ames City Council does not need to provide one."

But, having praised the rule of common sense at The Tribune, I hasten to add that columnist Tim Engstrom shows a great lack of that commodity in his recent article, "Right to Choose Goes Up in Smoke." While admitting that, "...smoking is unhealthy to the smoker and to people near the smoker," Mr. Engstrom goes on to twist logic in defense of the status quo. He fears "government interference." He compares banning smoking in public places to banning smoking in private homes. He sees the ban as a way to drive away "young professionals." He questions YSS' endorsement of the smoking ban and calls on us to instead boycott restaurants. These arguments are neither logical nor based on the evidence.

First, our government has the duty to protect the health of our citizens! Laws already on the books control what restauranteurs do when the public's health is at stake. No logical person debates whether or not owners of restaurants can serve old meat, or wash dishes in cold water, or forego fire exits. In a more specific example, a restaurant owner is not allowed to vent the fumes from his cooking grill into the restaurant because polluted air is a detriment to the public's health. The same has been scientifically proven and substantiated many times concerning secondhand tobacco smoke. Tobacco smoke contains over 4,000 chemical compounds, including 43 known carcinogens. Some of the chemicals found in secondhand smoke include ammonia, formaldehyde, nicotine and methane. Smoke-polluted air undeniably is a public health issue the government must regulate.

Second, the argument that restaurant owners feel that regulating their business is like regulating their home environment and that, "they feel their rights as business owners would be taken away," can only have been offered as a distraction. Restaurants are already regulated from door to dumpster, as shown above, to protect the public health. Comparing public space to private space is illogical. An Ames smoking ban would regulate a public restaurant and have nothing to do with anyone's private home.

And where does Mr. Engstrom get the idea that a smoking ban would keep "young professionals" from choosing to live here? Many studies, including one by the University of Wisconsin and one published in the Journal of the American Medical Association, show the converse to be true. Smoke-free ordinances have not been associated with adverse economic effects in restaurants or in hotels, or the tourism trade. Actually, with young people being more health conscious than their age group was decades ago, the opposite might be assumed; the cleaner restaurant air would be an enticement for "young professionals" to settle here.

Again, based on proof already cited, I find Mr. Engstrom's assumption that government involvement is bad to be illogical. Government action is needed to address issues of public health and make a fair and uniform ordinance. And the YSS Board of Directors will continue to be involved because this is a youth issue. Beyond its immediate health dangers, tobacco also serves as a gateway for other addictive substances. Tobacco smoke is so common in our daily lives that we often overlook the fact that nicotine is addictive. Yet another study reported this month in the British Medical Association journal confirms the suspicion held by smokers: It can take just a few cigarettes for teens to become addicted to nicotine. Since teens are often prone to experiment, the trap of nicotine quickly hooks them into a lifelong habit.

To learn more about these issues, I urge all who are concerned, both proponents and opponents, to attend a public forum on the proposed tobacco ban Monday Oct.2, 7 p.m., in the Ames City Hall Council Chambers. I hope Tim Engstrom will be among those who attend.

COMMENTARY

Before we leave the section on September, 2000, we need to point out that on October 2, a public forum took place at City Hall. We have alluded to the fact that this forum was, in all likelihood, one of the extremely important meetings held on this issue.

Jan Beran, a member of the League of Women Voters served as the moderator. Panel members included such luminaries as Mary Kitchell, a member of the ATTF and Director of Ames Free Medical Clinic; Dr. Kathleen Foster-Wendel, a pediatrician at McFarland Clinic; Fred Miller, an Ames business leader; Dr. Michael Kitchell, Neurologist and President of the Board of Directors of McFarland Clinic; Arne Hallan, Ph.D., Iowa State University, Chair of the Economics Department; Ann Kinzell, a lawyer; Jackie McEachran, member of the Ames Mayor's Youth Council.

Following this Forum, at least two of the City Council members became solid backers in support of the ordinance. They were instrumental in getting the issue to the City Council agenda. Other Council members came on board gradually and we were able to hope that the ordinance would not only get a fair hearing, but that it had a possibility of being enacted.

ATTF distributed literature liberally during the entire campaign. There is nothing like "getting the word out" to make an impact. See two pages (following page 29) as examples of the kind of literature we made available—simple, inexpensive and informative.

A word needs to be said here about the extreme care you must use in giving the process time to "work." Just as you cannot take a bucket of grapes, squeeze them and expect that within two or three days, you'll be able to partake of a fine wine—so you cannot push this process too fast. Be very careful to give it all the time it needs so that people will "come on board" gradually. Don't push too hard or too fast. Keep the issue before their eyes constantly. Hand out literature. Take surveys. Write letters. Contact knowledgeable people. Don't lose your focus. Keep your cool. Do not let them see you sweat. Take your time and give the public a good, long look at what can be accomplished when the "good guys" come together to do something really significant for the health of *everybody*. Building momentum and consensus takes ***steady*** work. Remember the story of the tortoise and the hare. "Inch by inch—anything's a cinch."

ATTF – POSITION PAPER –10/02/00

"Clearing the Air"

The Ames Tobacco Task Force of the Mid-Iowa Community Health Committee has been active for three years on issues, including youth education and tobacco compliance laws. The group consists of a cross-section of individuals in the community: civic leaders, business leaders, health care professionals, human service leaders and concerned citizens.

The Ames Tobacco Task Force is committed to passing a smoke-free restaurant ordinance to protect the health of adults and children. It is well known that Environmental Tobacco Smoke (ETS) causes lung cancer and heart disease in adult nonsmokers and serious respiratory problems in children. Exposure to ETS is the third leading cause of preventable death in the U.S. – approximately 53,000 people die each year as a result of breathing the smoke of others' cigarettes. U.S. News and World Report (September 18, 2000 – page 66) declares: *Smoking is the largest preventable cause of death in the United States, claiming more than 400,000 victims a year."*

Contrary to some claims, smoke-free restaurant ordinances do not adversely affect restaurant sales. Studies have shown that the implementation of smoke-free ordinances has not been associated with adverse economic effects on restaurants. In fact, food service workers have a 50% increased risk of developing lung cancer; thus employers often experience some cost-savings when they implement smoke-free policies relating to workers' compensation, absenteeism and higher non-smoker productivity.

There is no safe level of exposure to secondhand smoke. It is clear, passing a smoke-free ordinance is the most effective way to protect the public from exposure to secondhand smoke.

- - - - - - - - - - - -

Commentary – October 4, 2000 – Len Monte

The focus of the Ames Tobacco Task Force (ATTF) is very particular, very specific. A smoke-free ordinance for the restaurants in the City of Ames is an absolute necessity to protect the lives and health of the citizens of Ames.

As stated, ATTF recognizes that the issue of smoke-free restaurants is primarily a public health concern (not only in Ames, but everywhere, of course). We understand perfectly well that some citizens view our goal in less positive ways. Where lives are at stake, these contrary views ***must not*** be the primary focus! It is, first and foremost, a health-related issue! It is literally, a life and death issue!

Several business-owners, including some that own/operate bars, have expressed concern that passage of the ordinance would put them at financial risk. As noted above, substantial evidence to the contrary exists. ATTF has statistics to show that the opposite is more likely to occur. These businesses are rather more likely to show gains than losses.

Several owners have also indicated that they know smoking is a tremendous health-risk, not only to their patrons, but also to their employees, as well as to themselves, personally. Despite that conviction, some still seem quite willing to forego the importance of that knowledge and expect exceptions to be made for them in the ordinance.

It must be noted that a number of these owners have, in "information-gathering sessions" hosted by CCJ, urgently offered the suggestion that ATTF extend their goal of smoke-free restaurants to include all bars. This, they insist, will give every bar-restaurant owner a "level playing field" on which to compete with the bars and nearby restaurants **not** being affected by the city ordinance sought by ATTF.

ATTF is absolutely delighted to "think big." It is completely within the ATTF purview that not only restaurants, but also bars, bowling alleys, and all public places where people gather and are at risk for inhaling second-hand smoke, will someday be smoke-free. A health-risk in one segment of public gathering places is, of course, a health-risk in all places where people gather. Could ATTF "dream bigger"? Of course! How about a county-wide ban? Bigger? We would not object to a state-wide ban! California has enacted it. Why not Iowa? Ultimately, the nation needs this ban, and our prediction is that it will someday happen.

Unfortunately, it is oftentimes true that when one takes too big a bite, it is impossible to chew it up and swallow all of it at one time. While ATTF would not be loath to accomplish this larger goal in one fell swoop, it appears more likely that too big a bite might choke our effort. Our mothers warned us as children not to take bites that are too big. The advice seems still to be valuable. Instead, ATTF is following a course of incrementalism. When the populace discovers how tasty the first bite is, take another bite.

However, the opportunity to examine the possibility of doing it all at one time is intriguing. We sincerely hope it is not the intent of the bar-restaurant owners nor of the Chamber of Commerce to try to undermine the ATTF effort. Seeking to divide in order to conquer is an ancient technique. By offering a bite that is too big to chew, it might derail the entire effort. That would be most unfortunate.

Despite any misgivings and even any mistrust of motives, it is of no value to accuse one faction or the other of trying to undermine the position of the other. We simply need assurance of good faith and good will among all of us who are involved in seeking an end to this debilitating, destructive health concern.

There is no mistaking the eventual goal of ATTF. It is our intention to see the clearing of the air in every "smoke-filled (public) room." There is nothing duplicitous in the statement of our focus and intent. It is our plan to unite as many people as possible to be rid of an ugly health hazard.

Are all of the bar-restaurant owners in complete agreement on the need to ban smoke in all of the bars in Ames? Is the Chamber of Commerce less reluctant now to pursue this critical health issue? Can ATTF depend on the sincerity of the owners to come to the aid of those who are committed to passing this ordinance, if it includes every business in Ames that prepares and/or sells food and drink for human consumption?

ATTF has demonstrated its sincerity. Can the opponents to our plan demonstrate their willingness to guarantee the "level playing field" they have requested? Will the Ames Chamber of Commerce support a formal request to the City Council to extend the ordinance to include all of those businesses? It would be helpful to see them sign a petition to the effect that if all (or a majority?) are included, none will protest? That will furnish them the "level-playing field" now being requested by the bar-restaurant owners/operators.

To that effect, the Ames restaurants that now permit smoking are identified on the following page. A line is provided for the signature of each owner/manager who is willing to support what they have called a "level playing field" ordinance, which would ban smoking in ***all*** Ames restaurants, bar-restaurants, bars and lounges. [*Note: This was provided but never utilized by ATTF or by the owners.*]

No one can guarantee that the Ames City Council would enact such an ordinance, but certainly, it might be assumed that the Council would be willing to examine the possibility, if it is requested by the restaurant operators. For its part, ATTF pledges its complete support to extend the number of public places covered by this, or by a second, ordinance.

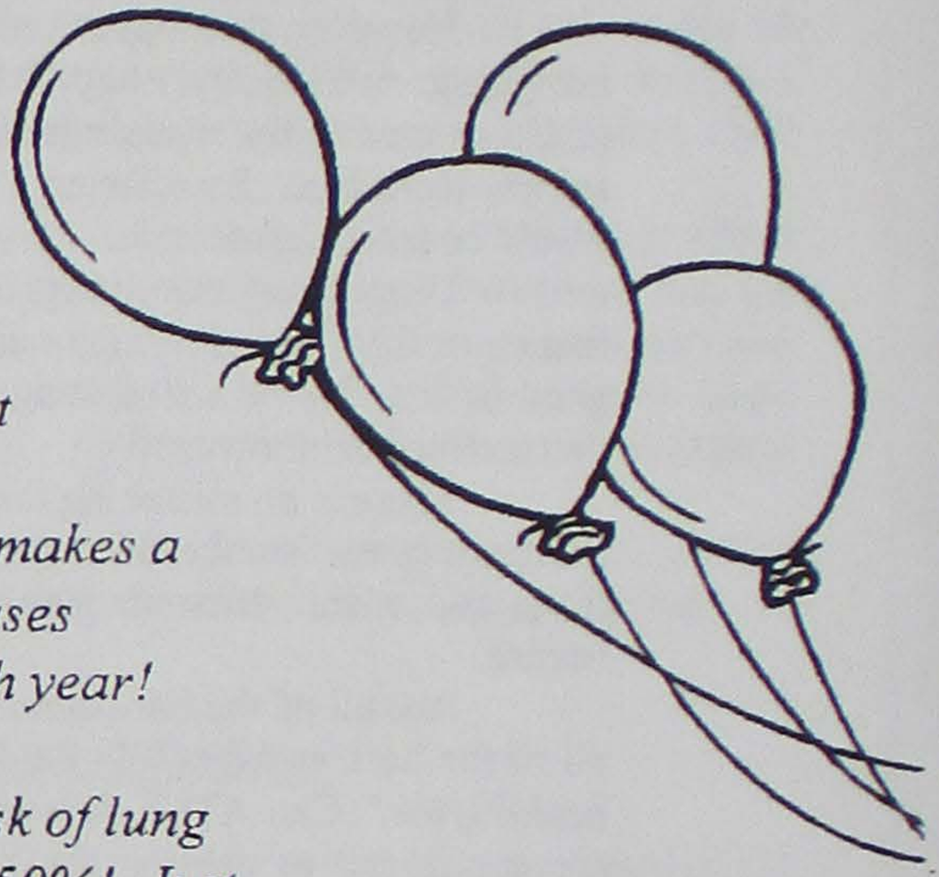
For the health of all our citizens, it may be time for a second bite, assuming we have chewed and swallowed the first bite successfully.

COMMENTARY

Nothing at all came of the above suggestion, which was the reaction expected by ATTF. It was simply a tactic, we are sure, to throw us off the road to enacting ***any*** ordinance.

Clearing the Air...
Smoke Free is Good for Me!

FACT *Secondhand smoke contains over 43 known carcinogens and includes poisons such as cyanide, carbon monoxide and formaldehyde, to name just a few!*



FACT *Up to 1 million American children can't set foot in an environment that allows smoking without risking an asthma attack. Secondhand smoke makes a child's asthma more severe and causes thousands of new asthma cases each year!*

FACT *Secondhand smoke increases the risk of lung cancer for food service workers by 50%! Just think of all the kids who work in restaurants!*

Community Forum

Monday, October 2, 2000
7 p.m.
Ames City Hall
Council Chambers

Protect our community from the dangers of secondhand smoke with a smoke-free restaurant ordinance!

Name: ______________________________

Address: ______________________________

City/State/Zip: ______________________________

Daytime Phone: ______________ Evening Phone: ______________

E-mail Address: ______________________________

☑ Yes, I want to ensure the health of the children and adults of Ames.

Clip at perforation and mail to:
Ames Tobacco Taskforce
P.O. Box 1628
Ames, Iowa 50010

OCTOBER—2000

COMMENTARY

To this point you have heard a lot about the proposed ordinance, but you have not seen a copy of the ordinance. On October 3, the City Attorney wrote a letter to the Mayor and the City Council members regarding the ordinance and giving them a copy of the *first draft.* Please understand that this is the **first** draft. There were many changes requested and several changes made in later drafts of the ordinance. We were fortunate to have John Klaus as City Attorney during this time. He did a really great job and his readings of the Code of Iowa were right on target!

Please give a copy of Mr. Klaus' letter to your own City Attorney. He will appreciate being able to look up "Chapter and Verse" in reference to State Law concerning this matter.

Few of us who are the beneficiaries of the good things accomplished by the enactment of this ordinance, have much of an idea about the legal aspects of the ordinance. We simply know that Mr. Klaus knows.

When Big Tobacco threw two court tests at us following the enactment of the ordinance and paid for seven defendants to take us to court, Mr. Klaus beat their socks off! That does not mean that Big Tobacco is finished with us and with our ordinance just yet! They have appealed their case to the Iowa Supreme Court. Action on that appeal is still pending as of July, 2002.

"Eternal vigilance is the price of freedom." That's the way it has been and the way it always will be.

Letter to City Council – 10/03/00 – John Klaus

As instructed by Council, the attached ordinance was prepared to prohibit designation of smoking areas in all food service establishments except those that have more than 50% of gross revenue from sale of alcoholic beverages.

You will notice that the ordinance is crafted to demonstrate its connection to the state law at Chapter 142B Code of Iowa. The provisions of the ordinance operate within the parameters of the state law. The ordinance is not in conflict with or inconsistent with the state law. What the ordinance does is prohibit the designation of a smoking area in a certain specified kind of public place. Section 142B.2(2) Code of Iowa expressly provides that a smoking area shall not be designated in places where smoking is prohibited by ordinance. This ordinance relies on that feature of the state law to prohibit smoking in certain places to prevent the designation of smoking areas in those places.

To proceed with the enactment of this ordinance the Council should set a date of hearing, to meet the requirements f Section 380.10 Code of Iowa, for an ordinance that adopts any portion of the Code of Iowa by reference. The hearing can be set for the Council's next regular meeting. The Council may adopt motions to amend features of the proposed ordinance.

COMMENTARY

The ordinance **was** amended several times as it went forward. The following is a copy of the first draft, included here so that you may have an idea of where we began. A copy of the finished ordinance will be provided at a later point in this guide.

Ames Tobacco Taskforce

Environmental Tobacco Smoke (ETS)

Exposure to ETS is the third leading cause of preventable death in the United States - approximately 53,000 people die each year as a result of breathing the smoke of others' cigarettes.

As a Carcinogen

- In 1992, the U.S. Environmental Protection Agency (EPA) classified secondhand smoke as a Group A Carcinogen - a substance known to cause cancer in humans. There is no safe level of exposure to Group A toxins.
- A comprehensive EPA analysis of many respiratory studies on Environmental Tobacco Smoke (ETS) concluded that ETS causes lung cancer and heart disease in adult nonsmokers and serious respiratory problems in children.[1]
- Non-smokers exposed to ETS develop lung cancer 19 percent more than those who are not exposed.
- Non-smokers exposed to ETS develop coronary heart disease 20-30 percent more than those who are not exposed.
- Environmental Tobacco Smoke contains more than 4,000 chemical compounds, including 43 known carcinogens. Some of the chemicals found in secondhand smoke include ammonia, acetone, arsenic, cyanide, formaldehyde, nicotine, tar and methane.

Effects on Children

- Environmental Tobacco Smoke is associated with a wide range of adverse effects on children, including exacerbation of asthma, increased frequency of colds and ear infections, low birth weight and sudden infant death syndrome.
- Exposure to ETS is responsible for 9,700 to 18,600 cases of low-birth-weight infants annually, 8,000 to 26,000 new cases of asthma in children, exacerbation of asthma in 400,000 to one million children, and 150,000 to 300,000 cases of bronchitis or pneumonia in children aged 18 months and younger (of which 7,500 to 15,000 require hospitalization).[2]

Effects on Workers

- Smoke-filled rooms have up to six times the air pollution as a busy highway.
- Secondhand smoke does not quickly clear from a room. It takes about two weeks for nicotine to clear from a room where smoking has occurred.
- Restaurant and bar employees have three to six times more exposure to secondhand smoke than other workers.
- Restaurant and bar employees have been found to be at a higher risk of disease due to their disproportionate exposure to ETS. One study found that there may be a 50% increase in lung cancer risk among food-service workers that is attributable to tobacco smoke exposure in the workplace.[3]

---

[1] U.S. Environmental Protection Agency. Respiratory Health Effects of Passive Smoking: Lung Cancer & Other Disorders. December 1992.

[2] California Environmental Protection Agency. Health Effects of Exposure to Environmental Tobacco Smoke. 1997.

[3] Siegel, M. Involuntary Smoking in the Restaurant Workplace: A Review of Employees Exposure and Health Effects. JAMA. 1993.

AMERICAN
CANCER
SOCIETY

FIRST DRAFT

ORDINANCE NO. _______

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 21A CONSISTING OF SECTIONS 21A.100 THROUGH 21A.300 FOR THE PURPOSE OF PROHIBITING THE DESIGNATION OF SMOKING AREAS IN CERTAIN PUBLIC PLACES IN ACCORDANCE WITH CHAPTER 142B CODE OF IOWA; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, "smoking", as defined by Subsection 142B.1(4) Code of Iowa, is, by Subsection 142B.2(1) Code of Iowa, prohibited in a "public place" as defined by Subsection 142B.1(3) Code of Iowa, except in a designated "smoking area"; and,

WHEREAS, "smoking areas" may be designated, pursuant to Subsection 142B.2(2) Code of Iowa, by persons having custody or control of public places except in places where smoking is prohibited by ordinance; and,

WHEREAS, it is found that smoking areas have been designated in many restaurants in this city; and,

WHEREAS, it is found that the designation of smoking areas in restaurants has subjected patrons and employees to the deleterious effects of tobacco smoke on their health, and curtailed the number of restaurants that can be enjoyed by persons who have an allergy or other heightened sensitivity to smoke; and,

WHEREAS, it is deemed to be in the interest of the public health and the economic welfare of the community that designation of smoking areas be prohibited in restaurants that are patronized, for the most part, by residents of this city;

NOW, THEREFORE, be it ordained, by the City Council for the City of Ames, Iowa;

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by adding a new Chapter 21A as follows:

"CHAPTER 21A
SMOKING IN PUBLIC PLACES

Sec. 21A.100. PURPOSE.

The purpose of the provisions of this chapter, Sections 21A.100 through 21A.300 of the Municipal Code of the City of Ames, Iowa, is to augment the provisions of chapter 142B, Sections 142B.1 through 142B.6 Code of Iowa, by prohibiting smoking, as smoking is defined by Section 142B.1(4) Code of Iowa, in certain public places, as 'public place' is defined in Section 142B.1(3) Code of Iowa, to prevent the designation in those certain public places of any smoking area in accordance with Section 142B.2(2) Code of Iowa.

Sec. 21A.101. PUBLIC PLACES WHERE SMOKING IS PROHIBITED.

Smoking, as defined by Subsection 142B.1(4) Code of Iowa, is prohibited in any establishment that is a 'public place' as defined by Subsection 142B.1(3) Code of Iowa, where food is prepared or served for individual portion service intended for consumption on the premises of the establishment and subject to the Iowa sales tax.

FIRST DRAFT (Cont.)

Sec. 21A.102. DESIGNATION OF SMOKING AREA PROHIBITED.

The person having custody or control of any establishment that is a 'public place' as defined by Section 142B.13 Code of Iowa, where food is prepared or served for individual portion service intended for consumption on the premises of the establishment shall not designate any part or portion of that establishment as a smoking area pursuant to Section 142B.2(2) Code of Iowa.

Sec. 21A.200. EXCEPTION FOR INTERSTATE TRUCK STOPS.

The provisions of Section 21A.101 and 21A.102 shall not apply to an establishment that: a) is located within 1,000 feet of Interstate Highway 35, b) provides parking places for more than twelve semi-tractor trailers, and c) has filed with the City Clerk the sworn affidavit of the person in custody and control of the establishment that the establishment has, in addition to its food service sales, sales of diesel fuel that on average, over a calender year, amount to more than twelve thousand gallons per month, as shown by records made in the regular course of that establishment's business and filed with the said affidavit.

Sec. 21A.201. EXCEPTION WITH RESPECT TO BARS.

The provisions of Section 21A.101 and 21A.102 shall not apply to an establishment that has filed with the City Clerk the affidavit of the person in custody and control of the establishment, that the establishment has monthly sales of alcoholic beverages for consumption on the premises of the establishment that, on average, over a calendar year, amount to more than 50% of the average monthly gross revenue of the establishment, as shown by records made in the regular course of that establishment's business and filed with the said affidavit.

Sec. 21A.202. RENTED ROOM EXCEPTION.

The provisions of 21A.102 not withstanding, a smoking area may be designated in a room that is fully and completely enclosed, floor to ceiling on all sides, to which persons are allowed entry only by expressed individual invitation of a person who has engaged that room for rent by arrangement with the person in custody and control of the public place that such room is a part of. Smoking is not prohibited in such room so designated as a smoking area, Section 21A.101 notwithstanding.

Sec. 21A.203. RESTAURANT BAR EXCEPTION.

A portion of a place that is subject to Sections 21A.101 and 21A.102, that contains a counter at which alcoholic beverages are prepared and served for consumption on the premises, may be designated as a smoking area for the time between 10:00 p.m. and 2:00 a.m., but only after the rest of the place has been closed and kept closed to seating of persons arriving at the place after 9:00 p.m., and only if such designated smoking area has a floor area open to the general public that is not greater than 50% of the floor area of the entire place, the provisions of Section 21A.101 and 21A.102 notwithstanding.

Sec. 21A.300. PENALTY.

1. Designation of a smoking area in violation of Section 21A.102 shall be a municipal infraction punishable by a civil penalty of $500 for a person's first violation thereof, and a penalty of $750.00 for each repeat violation.
2. Smoking in violation of Section 21A.101 shall be a municipal infraction punishable by a penalty of $25.00."

Section Two. If any section, subsection, sentence, clause or other part or portion of this ordinance shall be adjudicated invalid, all the rest and remainder of this ordinance shall be and remain in full force and effect.

FIRST DRAFT (cont.)

Section Three. Violation of this ordinance shall constitute a municipal infraction punishable as herein provided.

Section Four. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

*changed to 7/1/2000

Section Five. This ordinance shall be in full force and effect ~~from and after its passage and publication as required by law.~~

Passed this _________ day of ___________________________, _______.

____

Diane R. Voss, City Clerk

O594

____

Ted Tedesco, Mayor

COMMENTARY

The ATTF took a lot of heat (and very little light) from news columns that had to do with business interests. Rebecca Anderson, the business writer for The Tribune, took her cues from the Ames Chamber of Commerce and some of the restauranteurs who advertise heavily in her section of the paper. Her columns were seldom helpful in giving support to backers of the ordinance.

Business News Column – The Tribune – 10/02/00 – Rebecca A, Ames

"Restaurant Owners want a choice"

The right to choose. It's what the local business owners say they deserve.

The Ames City Council is considering an ordinance that would ban smoking in restaurants. Some council members say it's the city's duty to protect residents from the public health hazard of secondhand smoke.

Councilman Herman Quirmbach says a number of studies prove smoking is hazardous to those who smoke and those who come in contact with secondhand smoke. That's enough to warrant the ban.

Business owners don't agree. One thing is for sure though. Business owners don't support creating public health hazards. They just want the opportunity to choose.

When the Hickory Park restaurant expanded its operation three years ago, the management decided on a non-smoking environment. It's what their customers wanted, said Jason Wheelock, general manager.

They chose. Personally, Wheelock supports the ban. The restaurant's management, on the other hand, is staying neutral.

According to the Ames Chamber of Commerce, 65 percent of Ames restaurants are already non-smoking. They chose.

A large group of ordinance supporters addressed the city council at its Sept. 12 meeting, urging passage of an ordinance. Mothers, fathers, children, teen-agers and advocacy groups filled the council chamber, adorned with stickers and equipped with stories about how secondhand smoke kept them from enjoying dining out in Ames.

Some council members said they couldn't ignore the large outpouring of support for a ban.

But there were business owners there, too. They were asking the council and the community to acknowledge the right to choose.

One of those business owners was Rick Carmer, the owner of Wallaby's at 3720 Lincoln Way. Carmer opened Wallaby's in 1988. A native of California, he's been in Ames more than 20 years. He and his brother, Bob Cummings, started another Ames restaurant, O'Malley and McGees, in 1980. Cummings also owns Aunt Maude's in Ames.

In this city, Carmer and Cummings are two brothers who have been well rooted in the business community for more than 20 years and want the right to choose.

"I have a problem with (businesses) being places to be regulated against," Carmer said. "Why us?"

Throughout meetings with members of ordinance supporters, Carmer will try to prove his point that restauranteurs deserve an inherent right.

"I'd hate to be discriminated against just because I serve food and I do it well." he said.

News Article – The Tribune – 10/03/00 – Richard L., Staff writer
"Public Forum calls for smoking ban"

Supporters of a proposal to ban smoking in Ames' restaurants held a public forum on Monday evening to hammer home the dangers of secondhand smoke and to dramatize their fight for an ordinance.

Despite being billed as an educational meeting, little new ground was broken at the gathering in Ames City Council Hall. It was largely a one-sided, and scripted affair, with eight non-smoking panelists explaining why secondhand smoke is a public health hazard that must be outlawed in eateries and the almost exclusively anti-smoking audience nodding in agreement or applauding sporadically.

Most in attendance (including the panelists) wore stickers given to them that said: "I support smoke-free restaurants." There was also a poster prominently placed near the dais that showed a young woman rebuffing a smartly-dressed man asking if he could smoke. Her retort: "Care if I die?"

Organizers, however, insisted the forum was open to anyone. Indeed, one self-described smoker, saying he was curious, attended. So did a few businessmen, one of whom was George Papouchis, longtime owner of Café Northwest on Duff Avenue.

Feeling outgunned, he left before the meeting ended. "It's not good for us," he said of the support for the no-smoking ban. "Us restaurants don't have the time or the resources to compete."

Restaurant owners complain that the council instructed the city attorney to draft a smoking ban without consulting them. Supported by the Ames Chamber of Commerce, they say they will ask the Ames City Council at its Oct. 10 meeting not to pass an ordinance but to conduct surveys to gauge public support for any ban.

Three council members attended Monday's discussion—Ann Campbell, Herman Quirmbach, and Sharon Wirth.

The meeting's theme was clear, and the speakers—doctors, a high school student, citizens and a representative from a local anti-tobacco coalition—drove it home time and time again: Smoking in restaurants is a public health hazard that must be regulated.

The arguments were passionate, including testimony that eliminating smoking in restaurants would erase at least one venue where impressionable children are likely to see it and be more inclined to think it is permissible and even trendy.

Jackie McEachran, a student at Ames High School and involved with the anti-tobacco panels on the local and state levels, suggested the law was the first strike in a civic battle against the powerful tobacco industry.

"We have been trampled by Big Tobacco," McEachran said as she read from prepared remarks. "We know we must do something to change our neighbors, our peers, our generation."

Three panelists argued for a wider ban than that being sought by the anti-smoking lobby. The ordinance, as it is written, would prohibit smoking in any eatery where more than 50 percent of monthly revenues, on average, are in food sales. Truck stops and restaurants with counter-top bars that no longer serve food after 9 p.m. would be the exceptions.

The anti-smoking advocates say they eventually want a ban to include all public areas, such as bars, bowling alleys and pool halls. But unsure of public support for a broader prohibition, the group has concentrated on getting the restaurants first, then chipping away at other public places.

The restauranteurs say they, too, want a broader ban. But the no-smoking advocates are wary of the sincerity of the restauranteurs latest position.

"Let's make sure their claims are not idle claims," said Mary Kitchell, a member of the Ames Tobacco Task Force and one of the evening's panelists. "You can't say in one meeting you don't want [an ordinance on restaurants] and then say you want a full ban."

COMMENTARY

Not only did ATTF have to endure the misunderstandings of some news reporters; we also needed to refute the outrageous, and sometimes ridiculous, letters written by a few non-smokers who weighed in on the issue. They harped on the notion that government was playing too big a part in controlling people's lives. (Perhaps it does at times—but none of us would want to return to the "Good Old Days" of NO controls.) These detractors were people who were certain that the owners had the "right" to allow behaviors in their places of business that are harmful to not only the public but also to their own staff of workers. They often referred to "logic," saying that it was "logical" to allow smoking despite its harmful effects. The analogies they offered were in many cases totally "illogical." Case in point—the following letter:

Letter to the Editor – The Tribune – 10/03/00? – M. M. O

"City Council lacks sense"

I do not smoke, do not enjoy being around people who smoke and rarely frequent businesses where smoking is allowed. Nonetheless, I am opposed to the proposed smoking ban. I also object to the manner in which the City Council has handled this issue.

At the Tuesday council meeting, council members announced their intention to move forward with the ordinance because of what they describe as "overwhelming" public support for the measure. I would like the council members to explain how, when and where they measured that support. When and how were those people polled? Who conducted the poll? What percentage of Ames residents actually support the ban? (I don't actually expect any answers to these questions because my guess is that the council can't answer them.)

These are the same people who agreed to hold a public hearing only *after* they drafted the ordinance and announced their intention to adopt it. [*Wrong. The ordinance was drafted to have a document to study and make amendments.*] The council is arguing for the ban on the grounds that secondhand smoke is a "public health issue." The ordinance assumes that secondhand smoke is unhealthy and that the presence of smoke in restaurants is unfair to persons with allergies. [*M.M.O. got that right. That is what the council assumed, all right—plus a few other assumptions!*] If that's the case, then the council needs to explain why secondhand smoke harms people who eat in restaurants in Ames but not the so-called "non-Ames" people who patronize local truck stops. (For that matter, why is it OK for the non-Ames people who go to truck stops to inhale smoke but not OK for the non-Ames people who eat in the city's restaurants when they come to football games, concerts and other events?) If the council plans to argue for this ordinance on the grounds that secondhand smoke is injurious, then it must assume that such smoke is injurious to everyone, not just a select few. On grounds of simple logic and fairness, the ordinance is a bad idea.

But this ordinance troubles me for another and more important reason. The council is assuming that people with allergies are "prevented" from enjoying Ames restaurants, *and* that it is the responsibility of city government to guarantee that enjoyment.

If you carry that reasoning through to its logical conclusion, then the City Council should pave over every green space, park and lawn in the city of Ames. After all, green spaces, parks and lawns are full of allergens, and people with allergies are therefore prevented from enjoying the outdoors.

Next, the council should ban the use of motorized vehicles inside the city limits. If anything contributes to the deterioration of public health, surely it is automobile exhaust. After that, it can move on to ban perfume, cologne, after shave and scented soaps and hair spray, all of which, no doubt, prevent some segment of the population from enjoying themselves.

Farmers are next: Remove them from within a 50-mile radius of the city. Sprayed fertilizers get into both the air and the water, so farmers have to go!

Sound stupid? [*Yes.*] Of course. But that is the path down which such ordinances are taking us. In the past few decades, Americans have embraced the idea that ordinary people are incapable of making sensible decisions on their own, and that individuals bear no responsibility for their own well-being. We seem to have forgotten that this is a free society. [*The author seems to have forgotten we are a free society—subject to laws that seek to prevent harm from coming to citizens. We are free—but seldom free to harm others by our actions that impact their lives.*] No one—*no one*—holds a gun to anyone's head and forces them to eat in an Ames restaurant. If you don't like the smoke level somewhere, then don't go there. It is as easy as that. That's how things work in a free society.

Ordinances like this one represent the small tyrannies and irrationalities from which dictatorial societies emerge. As a society, we need to rethink the idea that governmental legislation can serve as a substitute for common sense and personal responsibility. If we do not, then I fear that eventually we will destroy the fundamental freedoms that define us as a people and a nation, squashing them under a mountain of restrictive legislation.

I hope the council will come to its collective senses and abandon its plans to adopt this ordinance.

COMMENTARY

Sigh… It gets worse. Another "news column" by Tim E. follows:

Newspaper column – The Tribune – 10/05/00 – Tim E, Staff writer
"We grill. We kill. We're Ames."

What a sham! The public forum Monday at City Hall on a proposed smoking ban for restaurants was a one-sided affair. It was a media event created to make it seem that the momentum for the ban is greater than the opposition.

It sure is a lot easier to come out in favor of the ban than it is to speak against it, and the forum could have been an excellent place to air both sides fairly.

A "Mind if I smoke? Care if I die?" sign was placed at the front of the room, and seven people who favor the ban sat in the big council chairs like they were great experts.

Then they preached to an audience that could have been the choir, and when the few brave souls who oppose the ban spoke, they were shot down like pop cans in a shooting contest. Ping!

This was no debate. It barely was a forum. It was a grill and kill.

What I don't understand is this. What's the rush? Why are the advocates of the smoking ban wanting to get this through the Ames City Council so quickly?

Because they think they can. Because they are under the impression that it can pass now. Because if they ban smoking in restaurants, perhaps later they can ban smoking at bowling alleys, bars and pool halls.

The restaurant owners say that is unfair. Why pick on some businesses and not others?

Is it that Ames wants to be first in the state? Let's beat Iowa City?

Well, Iowa City has been exploring a smoking ban in restaurants, but that city, wisely, has not been rushing to the punch. It's being left on the table for a community debate.

Furthermore, no one at the forum Monday responded to audience members who complained about smoke wafting into non-smoking sections at restaurants.

The response to that complaint is, don't go to restaurants with smoking sections if secondhand smoke bothers you.

Their response to that comment is that many of the dinner restaurants in Ames have smoking sections, leaving them with few places to dine.

I shrug my shoulders and say complain to the restaurant owners, not the city. Furthermore people don't have to eat out. Grocery stores are smoke-free. In addition where would people dine if those restaurants didn't exist in the first place?

This is similar to the argument about television content. People are offended by what television offers but forget there is no law that people must own a television. By the same token, there is no law that people must dine out.

The biggest problem here is that the advocates are going straight to the city and asking for an ordinance, creating bad blood between them and the restaurant owners. This happens over and over with issues in Ames, and we end up in a town where it seems illegal to blink out loud.

The right thing for the ban advocates to do is to appeal to restaurant owners and make a concerted effort to strike a compromise without seeking regulation. In a town our size, we should have that ability to get along. Instead, we grill and kill.

COMMENTARY

…and make ridiculous statements in the newspaper. We have already noted that so many anti-ordinance advocates have what they believe is the "perfect plan" for ATTF to follow. What that plan usually boiled down to was something like—"don't do what you are doing. Do something else" (that will be likely to fail?). Tim's column was a blatant attempt to negate any progress we had made in the negotiations.

Letter to the Editor – The Tribune – 10/12/00 – Kurt J., (Urbandale)
"City Council stepping on liberty"

Our Iowa State motto is: "Our liberties we prize, and our rights we will maintain." It appears that some Ames City Council members don't agree.

Restaurants and bars are not public places. [*This notion is not borne out in state law. Later we will see that state law definitely labels them as "public places."*] They are privately owned businesses whose owners invite anyone to come in and eat and drink if they want to, and they enjoy themselves. [*Precisely what makes them "public places!*] No one is forced to patronize any of them. Likewise, no employee is forced to take or keep a job with any of them.

Additionally, an article stated that 65 percent of the owners have already decided to prohibit smoking in their business. It seems to me, a non-smoker, that private enterprise is doing a very good job. Not only is the ban unnecessary, it is a clear infringement on our rights and liberties.

If you support the proposed smoking ban just remember, next time they may try to reduce your liberties and restrict your rights.

Letter to the Editor – The Tribune – 10/12/00 – Cherl W., Ames
"Clearing the air for nonsmokers"

I am writing in response to the letter titled "Anger Fueling Smoking Frenzy." If you recall, someone was writing in regard to the smoking ban proposal. I am not involved in any anti-tobacco group but have a serious concern about my health. It is an issue I think most smokers find hard to understand.

The most absurd statement made was the comparison of cigarette fumes to gasoline exhaust. If you know anything about basic chemistry, then you know smoke is a gas. When gas is released into an enclosed container it assumes the entire volume of that container. So comparing that container (or restaurant) to the volume of earth's air isn't exactly accurate.

The writer feels that secondhand smoke "does not pose a hazard so severe that it must be banned." I'd like to know where they got this information. The last I knew the surgeon's general requires a warning on every pack of smokes. What I want smokers to understand is that they have always had rights, while non-smokers haven't. This law doesn't ban smoking, it opens the door of choice for those who care about their health.

I recently moved to Ames from Oregon, where smoking is banned in most public places. They are now advancing this trend to local bars. Businesses weren't affected much because let's face it, people aren't going to stop eating and drinking. If society allows such a decision to pass, then they are one step closer to understanding the freedom of democracy. We all have the right to choose, but if it imposes on the rights of others, then it is not a valid freedom.

COMMENTARY

During the middle of October, our position was assaulted by a spate of articles in the newspaper that (we believe) were calculated to (1) sell newspapers; (2) take the fight out of ATTF; or (3) push the personal views of several "reporters". (Aren't they supposed to just "report" the news?) We simply "stayed the course," didn't panic, and continued to press our point of view in the most reasonable way we could. "It's a health issue—not a rights issue."

News article 10/19/00 – The Tribune -- Richard L., Staff Writer
"Bar owners unite to fight ban."

Bar owners in Ames, recently thrust into the battle against a proposed no-smoking ban in the city, have organized an all-out campaign against the law.

The bar owners met for the first time Wednesday to formulate a strategy to fight the ban. The representatives of some 20 Ames bars agreed to buttonhole Ames City Council members, run ads protesting the proposed ordinance, flood the local newspaper with letters to the editor and survey patrons to gauge the economic impact, if any, a no-smoking ban would have on their businesses.

Their goal: significantly alter, if not overturn, the proposed ordinance.

"We've got to make a statement to tell them (city councilors) we don't want them messing with our businesses," said Pat Greene, owner of Cy's Roost, a bar in Campustown.

The city council on Nov. 14 is expected to vote on a proposal to ban smoking in all public places in Ames. That includes restaurants, bars, bowling alleys, pool halls and other venues where the public could be invited. It does not extend to private places, such as a person's home. [*Note: This need not have been written. My stars and garters! Nobody ever said "homes!"*] The council, in a vote earlier this month, widened the ordinance from a no-smoking edict in restaurants to include all public places. [*Note: Council only asked that "all public places" be "looked at" for possible inclusion. No edicts were handed down from on high!*]

That means Ames bars are now caught in the ordinance's net. Stunned at first, tavern owners, many of whom never knew each other until now, are making acquaintances and forming a coalition to wage a passionate stand against the ban. [*See? Isn't it a good thing to get to know your neighbors?*]

That stand, as agreed upon at the meeting at the Ames Public Library, will include individual lobbying of those councilors who tavern owners believe may be sympathetic to rescinding the proposal or modifying it, namely Russ Cross, Steve Goodhue, Sharon Wirth and perhaps Ann Campbell. It will also include running two weeks worth of ads in The Tribune and the Iowa State Daily. The ad will show pictures of a number of taverns with an "X" marked over the picture—below a caption that reads "If Smoking Ordinance Passes, "Kiss 'Em Goodbye!"

Starting Tuesday, bar owners will ask customers how they feel about the proposed ban and if they would frequent an establishment less if a no-smoking ordinance were passed. The results of that survey will be released at a public meeting on Nov. 2.

"If we put enough pressure in many directions, maybe we'll get somewhere on this," said Andy White, who owns Paddy's Irish Pub and Sips in Campustown and the Tip-Top Lounge in East Ames.

The Ames Chamber of Commerce, which represents the business community, has lent little support to the bars' effort to date. That may change, however, after its board of directors discusses the issue on Oct. 25.

Noticeably absent from the meeting were restaurant owners, who to a large extent tossed the bars into the fray by suggesting that if the council wanted a no-smoking ban, it should encompass more than eateries. Only two restauranteurs were at the meeting.

"If they put us in this position, where the hell are they?" asked Scott Griffen, who owns The Corner Pocket pool hall and The Zone on Main Street.

The bar owners will meet next on Oct. 23 at 7:00 p.m. at a place to be determined.

News Column – The Tribune – 10/19/00 – Tim E.
"Please hear the people"

Dear Ames City Council,

Please hear my request. Instead of moving so swiftly to a smoking ban, [*since Sir Walter Raleigh—400 years?*] please wait and hear the concerns of the people, then make a decision.

You plan to listen to concerns Nov. 14, but it seems that your minds are made up already. In the vote last week, you moved ahead unanimously in favor of drafting an ordinance. [*Drafting, Tim—not enacting into law. They had to have something to decide about.*] Even businessmen Russ Cross and Steve Goodhue waffled before bowing to the pressure of the smoking ban advocates. [*Hey, Tim—these guys make decisions all the time that affect the people. They don't bow to "pressure."*]

In that discussion, you debated what date to enact such an ordinance. Sharon Wirth summed it up when she said she felt bar and restaurants didn't need time to prepare for a ban. She said they should begin to prepare now because they can see the direction the council is heading.

That tells opponents of the smoking ban that they shouldn't even stand up and speak. That tells opponents that their words will fall on deaf ears. That tells opponents that you have made your decision. You are a city council that is reacting to the early requests of the advocates without giving the community a chance to respond.

Sometimes, you seem to have a knee that jerks based on whoever approaches you first. Not all, but many of you make decisions based on your personal preferences over what a majority of constituents want. (Perhaps leadership style should be a key issue in next year's election.)

As a matter of fact, where did you get this idea that "an overwhelming majority" support the ban. The truth is, it seems that way because the ban advocates made the first move, but truly, most regular folks think the decision should be in the hands of restaurant owners.

You know regular folks, right? The ones who can barely afford to live here anyway. The 3M plant worker, the waitress at Aunt Maude's, the secretary at the Department of Transportation.

If some of you recall, this is like the leaf-burning ban. About three people were in favor of the ban, and most regular folks, the ones so busy making this town great that it is difficult to pipe up on each city issue, opposed the ban. Before anyone had time to say anything about it, burning leaves was illegal in Ames.

Those same folks are thinking the same thing is happening again with this smoking ban. Only now, more people are speaking out. And you know what, City Council, it wouldn't be shameful to listen to their comments with the chance that your decision could be changed. There is honor in that.

There is no honor in being so entrenched on one side that your decisions can't be swayed. You should bear the public's concerns as if you were undecided voters on the day of the presidential debates.

Perhaps, you should put the decision in the hands of voters. Ames residents would respect the choice of great leadership. Perhaps you fear that Ames voters would vote the ban down because deep inside you know there is no "overwhelming majority" in favor of the ban.

COMMENTARY

It's really difficult to tell which side of the debate Tim takes, isn't it? However, Tim wasn't alone in his opposition. The next letter came from a fellow from the neighboring town of Nevada, Iowa. Guess he just felt the need to "weigh in."

Letter to the Editor – The Tribune – 10/19/00 – Terry W.
"Smoking a private, business issue"

I am surprised that the Ames City Council has even entertained thoughts of a city-wide smoking ban. Has the council been collectively smoking some "wacky weed" of its own? The entire issue is a can of worms that the council should have had sense enough to stay completely away from. It is an issue that is best left up to the owners of establishments, not mandated by city ordinance. Let's take a look at just one aspect of the thinking behind the anti-smoking forces.

One of the arguments for the ban is that it will keep children from observing adults smoking. This is a fantasy of the highest magnitude. If patrons of establishments are not allowed to smoke within the confines of the establishment, then where will they smoke? *Outside* the premises, of course. This would put the smokers in view of any and all passersby, even children. There are already a large number of businesses that do not allow their employees who smoke to do so within their buildings. How many times have you driven down the street past...oh, let's say McFarland Clinic, Mary Greeley Medical Center, any number of restaurants, grocery stores and department stores, and noticed employees standing outside the building having a smoke? I certainly have noticed them. One recent day, I stopped at Target to pick up something and noticed three employees outside having a smoke – in full view of the public.

[*Note: Hooray for Target! Not only have they stopped all smoking inside the store, but they have also stopped all sales of tobacco as a part of their business. Many of us who advocate getting tobacco out of our lives altogether, shop at Target as a symbol of our approval for their business practice, rather than at other stores of similar makeup. Perhaps it doesn't amount to a huge impact on their bottom line, but we certainly want to show our appreciation! Perhaps you would like to join us is showing appreciation? Okay—back to the letter to the editor.*]

Following the argument of the anti-smoking forces wouldn't it be better to have a place *inside* the building where the smokers could be segregated and kept out of the view of the public eye? That is if keeping the observing of smoking out of the eyes of children is really a motivating factor by the anti-smoking forces. Now, if you put those smokers outside the building, all of them smoking near the front entrance, then those non-smokers who want to enter the particular establishment are going to have to wade through all those smokers just to get inside the building. If you extend that ban to the local bars, where the majority of patrons are smokers, you have an even bigger crowd of people outside the front doors smoking. It all seems like some pretty ridiculous thinking to me.

What if some enterprising businessman were to open a business and place a sign by the front door stating that to enter the establishment, you must smoke. If you don't want to smoke, then you must go outside. I'm sure these same anti-smoking forces would start screaming that their "rights" as American citizens were being infringed. I'm sure that lawsuits would follow stating that a non-smoking citizen cannot be banned from a public business. I am guessing that if the council passes this ban, lawsuits will surely follow. [*Note: Absolutely right. Lawsuits did follow. The attorney fees were paid for by Philip Morris.*]

To me the only sane course for the council is to wash its collective hands of this entire affair and let the individual establishment owners follow what they feel is best for their businesses. If they want to allow smokers inside, then let them have segregated, vented smoking areas for those who wish to smoke and nonsmoking areas for those who do not wish to smoke. [*See what you did, Terry? You made our case for us!*] If the council goes ahead with this ban, then maybe they should think about another ban that makes even more sense—the citywide banning of consumption of alcohol in all public places. To me, the drinking ban is an even greater threat to the public health and safety than is a smoker.

[*Okay Terry—but that's not the issue for ATTF. We're working on the smoke issue. If you want to ban alcohol—go ahead. Put together whatever you need to "do your thing." We're not interested in changing our focus. Okay?*]

Letter to the Editor – The Tribune – 10/24/00—Charles W.
"Nonsmokers are no better"

I believe that the recent decision to support the smoking ban in the city of Ames by the City Council is another blow against the rights and freedoms of the individuals who are citizens of this country. A small, well-organized and very vocal group has managed to dominate the debate with a lot of hearts and flowers, but in their zeal to further their own political agenda of more governmental interference in people's lives they are trampling the rights of the business owners and rights of the individual to choose! Who do they think they are to treat smokers as second class citizens? What makes them so right and others so wrong? Their logic is that their right to not "suffer" secondhand smoke supersedes the rights of other people who choose to smoke. Are they somehow better than everyone else? It is the right of the businessman to decide what he chooses to offer his patrons. If he is right, he is successful. If he decides wrong then he will fail in his endeavor, but it is *his* choice and not for the government to dictate. He is the one investing his time and money in the business, and he is the one taking the risk. The Ames City Council is a bunch of spineless, do-gooder, warm fuzzy, arrogant, bleeding heart liberal tinhorn dictators who are more concerned about their nice political jobs instead of defending the rights of all the people and not just a bunch of socialistic activists!

COMMENTARY

Aw, Charlie—why didn't you come right out and say what you meant? Surely you could have found some really mean, nasty things to say if you had tried a little harder.

The fact is, members of the ATTF and the City Council were not delighted to oppose the restaurant owners. The Medical Community was not seeking to harm anyone's business. We knew these owners personally—even socially—and nobody wanted to harm them. Very often, they were "our friends and neighbors."

Another *very important point to consider* is this one: Some, perhaps even many, of these restaurant owners believed we were right. They could not, however, publicly declare that they were in favor of a ban that would help them (as well as *not harm* them.) To do so would expose them to ridicule among some of the owners who feared economic loss—or those who were *absolutely opposed* to the ban. These "reluctant owners" knew that a smoking ban would save them cleaning costs, medical health costs for their employees, empty tables (zoned), even fire hazard. They knew a smoking ban was a good thing----------------but they couldn't talk about it. Just thought you might like to know some of the facts behind the hype.

Letter to the Editor – The Tribune – 10/24/00 – Karen A.
"Smoking ban fair and sensible"

I have been reading with interest the recent flurry of letters concerning the Ames City Council's consideration of a proposed smoking ban in restaurants and other establishments in the city. What I find amazing are the statements of some writers decrying the potential infringement on their "rights" to smoke in a restaurant. This approach ignores every person's right to breathe unpolluted air.

Ames will not turn into a retirement community just because smoking is not allowed in restaurants. The health police will not force anyone to run five miles a day or do pushups to work off a bacon cheeseburger. Such assertions are patently ridiculous.

I feel the City Council has every right to regulate smoking in restaurants. Smokers are not, as they often assert, the only ones taking a risk when they smoke in the presence of nonsmokers. Everyone in an enclosed space will be exposed to some level of the secondhand smoke and sidestream smoke. The chemicals given off as cigarettes burn do not float dutifully only in the air of an establishment's "smoking section." Anyone who has ever studied basic science will recall that gases diffuse in air from wherever they are most concentrated until they are evenly distributed in whatever container (including a room) they occupy. Therefore, everyone in such a place will be inhaling chemicals from the smoke.

As consumers, it has been argued, we can determine which places allow smoking and which do not, and then choose which to patronize. Do employees have those same options? Flight attendants lobbied for the banning of smoking on airplanes—smoking was an occupational hazard for them. Is it different for restaurant workers? They are regularly exposed to sidestream and secondhand smoke as they do their jobs. They are at a much greater risk from exposure to environmental tobacco smoke than the occasional diner and really deserve some protection.

I do not see how the regulation of smoking in restaurants and other establishments can be viewed as an infringement on individual rights. We have enacted laws to ensure our food is inspected, stored properly and prepared at temperatures that kill pathogens; to ensure that food service workers practice proper hygiene; and that dishes and silverware are sanitized between uses. No sensible person would argue with such regulation. We have enacted a burning ban to protect those people who are sensitive to smoke in the air, precisely because there is no way to control and contain the smoke particles from backyard fires. It seems entirely consistent with such ordinances to ban smoking in such public places as restaurants because there is no way to prevent the exposure of non-smokers to the harmful substances that are released into the air as cigarettes burn.

Letter to the Editor – The Tribune – 10/25/00 – Donald M.
"Some laws made to be broken"

Funny, ain't it? Conservatives want to control your sex life and morality, in the name of God. Liberals want to control everything else in the name of the children. I'd say we have a very liberal city council, wouldn't you? What do I want? I want both of them to keep their noses out of my private life and personal business. Arrest me if I break the law. But, please, quit making laws that I *will* break just to spite you.

COMMENTARY

I'd like to give you a copy of every letter to the editor. Sorry. Can't do it. Space limitations forbid it. Suffice to say that dozens and dozens of letters filled the newspaper for weeks on end—even some really ridiculous ones like the one above. We'll try to give you examples of both pro and con, as well as some of the more important news articles.

News article – The Tribune – 10/26 – Richard L., Staff Writer
"Smoking ban groups plan strategies" (Sides prepare to battle on Nov. 14)

Anti-smoking advocates will prepare a battery of statistics designed to convince skeptical restaurant and bar owners that their businesses will not suffer if a smoking ban is adopted in Ames, a no-smoking committee decided Wednesday.

Members of the Ames Tobacco Task Force also decided to run newspaper ads addressing the health hazards of secondhand smoke. The ads will also attempt to defray concerns—if not downright fear—from some restaurant and tavern owners that a city-wide no-smoking ban would drive patrons away.

"The economic part of [the smoking ban debate] is what we have to win," said Harlan Dubansky, former owner of supermarkets and convenience stores in central Iowa and a task force member.

And winning—or convincing the Ames City Council on Nov. 14 to vote for the ban—is what the tobacco task force seeks. **[article condensed from this point to the end.]**

This week's meetings provide increasing evidence that the gulf between the two sides is widening. Each side, convinced its position is just, has jettisoned compromise and instead zeroed in on the council meeting to make what may be its final point.

It will be a watershed—and circus-like—gathering. [*Aw, c'mon, Richard. Be nice.*] But in many ways the council invited this upon itself. On Sept. 12 it voted unanimously to draw up an ordinance banning smoking in restaurants without consulting restaurant owners of the business community. Then, after two weeks of mostly fruitless conversations between restaurant owners and anti-smoking advocates, the council this month voted unanimously to widen the ban.

The coalition fighting the ordinance is a loose-knit one. The bar owners distrust the restaurant owners for throwing them into the fray [*Well, everyone kept complaining about making "a level playing field..."*] by supporting a wider ordinance. That's led to a lack of consensus, as evidenced by the group's cancellation of a Nov. 2 public meeting to make its case to the public.

Meanwhile, the Ames Chamber of Commerce has been mostly a sidelines observer, though its board of directors voted overwhelmingly against the ban on Wednesday evening.

News article – The Tribune -- 10/27/00 – Richard L, Staff Writer
"Miller praises smoking ban effort" [Attorney general to opine on ordiance's legality]

Iowa Attorney General Tom Miller said he "applauds" Ames' move toward a no-smoking ordinance but refused to divulge how his office will rule on the legality of the proposed law.

At issue is whether the proposal to ban smoking in Ames restaurants, bars and other public places would run counter to state law. State law generally bans smoking except in designated areas. If adopted, Ames would be the first community in Iowa with a smoking ban.

The council will debate the ordinance at its Nov. 14 meeting.

Miller, appearing at Youth and Shelter Services in Ames to hand out money to local social service agencies, said his office would render an opinion on the legality of the proposed ordinance in two weeks.

He also said that threats from the business community to take a city law banning smoking to court would influence how he interprets the ordinance's legality.

"[A court battle] is something we will have to consider," he said. "It will affect the way we communicate our opinion."

He was not more specific.

John Klaus, Ames' city attorney, believes an ordinance is harmonious with state law. He draws his opinion from the following paragraph in Chapter 142B.2(1) of the Code of Iowa: "Smoking areas may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance, or regulation."

In written comments to the mayor and the council, Klaus interpreted the law this way: "It would appear from the word 'ordinance'...that the Legislature did intend for cities to have the power to regulate smoking in restaurants, even to the point of prohibiting the designation of a smoking area for a restaurant."

Klaus' comments apply to bars and other public places, too.

Miller praised Ames as being in the vanguard for a movement that he hopes, in time, will pressure the Legislature to adopt a state law banning smoking. California has such a ban prohibiting smoking in all the state's public places, including restaurants and bars.

"We can't go there until we change the culture," Miller said.

COMMENTARY

For the ATTF to know that the Iowa Attorney General was solidly in favor of what we were attempting to do, was extremely gratifying, to say the least.

Letter to the Editor – The Tribune – 10/27/00 – Lenwood M.
"Council should be commended"

Ever since we were children, we have heard that it is essential to "play by the rules." Consequently, we can't even play games (football, basketball, and soccer) without following sets of rules. Our very lives are governed by rules.

A most interesting fact about rules, however, is that they change. Rules are not static. They are constantly being created, revised, edited, corrected, improved or amended to make them more applicable to the human situation.

During the Civil War, doctors were allowed to take bandages from dead soldiers and use them over and over again on wounded soldiers. That rule has changed rather significantly. We have learned that it's not really a very healthful practice.

Society rightly moves to set up new rules to protect the health and well being of those who are at risk. There is nothing new and certainly nothing sinister in that endeavor. It is simply the right thing to do. That is why we elect governing bodies to protect the innocent from being hurt by harmful and unhealthy procedures. That is also why we must be very grateful to the Ames City Council for taking the heat from a few business owners who would allow tobacco smoke to continue harming our citizens. If you agree with the Ames smoking ban proposal, please tell the council members about your approval. Thank them for their courageous stance.

There is no question that secondhand smoke is as deadly as secondhand bandages. It may take a bit longer to kill us, but smoke is remarkably effective. The time has arrived to put this killer out of business.

This is a vital health issue that will not eventually go away. It is here to stay. It has been implied that proponents of the smoking ban plotted and planned for months to foist this request for a ban on an unsuspecting group of innocent business owners. That is patently ridiculous and untrue. There was no skulking around in the shadows. Citizens all over the country are clamoring for tobacco-smoke bans, now that it has been proved how dangerous smoke is to human health.

I feel some sympathy for the addicts who are convinced they cannot stop smoking. I know exactly how tough that addiction can be! I also know it is not too much to ask that a smoker step outside the building for a few minutes to indulge that addiction. It boils down to a matter of morality and concern for your fellow man. Go ahead and smoke. Just don't insist that others ruin their health because you cannot, or will not, prevent the ruination of your own.

NOVEMBER—2000

COMMENTARY

We were especially gratified to read letters to the editor from young people. We'll begin this segment with a couple of letters from grade school children. Maybe these kids will have a better chance to escape the ravages caused by tobacco when we have given them the chance to know (conclusively!) what a lousy product it is and the damage it can cause to human bodies.

Letter to the Editor – The Tribune – 11/06/00 – Caylon Borich & Alissa Struble (sixth graders) "Restaurant smoking ban is good idea"

We are writing about smoking in restaurants. We, personally, don't like it. It smells bad and is irritating to other people. We think we should ban smoking in all restaurants in Ames.

We may not be the ones smoking but we're getting secondhand smoke, which is just as bad.

Do you want to die from smoking, or secondhand smoke? We didn't think so. We're not trying to get you to ban smoking altogether, although it's not a bad idea. We just want you to stop it in restaurants. It's the least you could do.

Also smoking is a bad influence on kids, like us. You don't want kids to think smoking is cool, do you? All right, so let's do something about it.

We believe that it would be best to ban smoking from all restaurants on Ames. Way simple. It's bad on people's health. It makes places and things dirty. Tobacco use kills more people than car accidents, alcohol and AIDS put together. Smoking also makes other people mad and is irritating.

Letter to the Editor – The Tribune – 11/06/00 – Crystal Weltha & Nathan Schoen (sixth and fourth graders)

"There are many reasons not to smoke"

We think that people should prohibit smoking in restaurants because of the bad smell. It disturbs people because they don't have specific rooms to separate smokers from non-smokers so it flows through the restaurant and disturbs nonsmokers in general.

Another reason we think that people should prohibit smoking in restaurants is because children have to breathe in that smoke whether it was their parents smoking or someone else smoking. Some people also find it very disturbing to have smoke around them while they are eating. These are some of the reasons we think people should prohibit smoking in restaurants.

The reasons people should not smoke are because: It could kill you; it could give you lung cancer; it could give you gum cancer; it could give you cavities; it could give you the gum cancer called gingivitis; it could give you a chest tumor; it could give you liver problems; it could give you heart problems; it could give you birthing problems; it could give you organ problems; it could hurt or even kill the people around you who you may love; it could delay your bone growth; it could delay your hormone growth; it could delay your puberty growth; it could change your voice to a raspy voice; it could cause emphysema; it could cause asthma or make it worse; it could cause additional breathing problems; it could cause financial problems; it could stain your teeth; it could destroy your taste buds. If you are pregnant, it makes your child stop breathing for three seconds. It gives you bad breath.

COMMENTARY

So there! Take that! (Nice going kids. We appreciate you!)

News article – The Tribune – 11/07/00 – Richard L. Staff Writer

"ISU students against no-smoking ordinance" (Administration opts to stay out of debate)

[Article condensed for brevity]

Iowa State University students are overwhelmingly against a proposed smoking ban in Ames. University officials, meanwhile, say they have no position on it.

ISU interim President Richard Seagrave referred all questions about the ban to the university's media relations office. There, ISU spokesman John McCarroll said university executives had not discussed the issue.

He said the proposed ban was a city affair, and, thus, outside ISU's purview for comment.

ISU's buildings are smoke free, including the Maintenance Shop, an eatery and nighttime spot housed in the Memorial Union. Students can smoke in their own rooms in some dormitories, however.

Ben Golding, the GSB (Government of Student Body) president, said student representatives generally looked favorably upon the proposed ordinance when it included only restaurants but turned against it when it was widened to include bars and other public places.

Asked why, he said students drew the distinction that eating is a necessity, while going to bars is entertainment.

Letter to the Editor – The Tribune – 11/07/00 – Jill M.

"Business concerns a smoke screen"

Seventy-five percent of Iowa's population doesn't smoke. Twenty-five percent do smoke. Why do restauranteurs, bar owners and bowling alley proprietors think they will lose money if they become smoke-free? Why don't they cater to the majority? Don't they realize that many potential customers are driven away by the smoky atmosphere, the sore throats, the need to shower and to wash clothes after visiting their establishments? Don't they realize that some smokers will still continue to patronize them but go outside when they need to smoke? I think the answer to these questions is that most of the objecting businessmen are smokers themselves and are thinking of their own addiction needs rather than good business strategies. There are also probably a few of them that fear change. Salt Lake City is smoke-free, and I don't see it losing much business. The 2002 Winter Olympics are being held there. The loss of business is a smoke screen that hopefully won't fool the Ames City Council.

Letter to the Editor – The Tribune – 11/07/00 – Herb H.

"Seeing through the smoke"

Lies and statistics! Our Chamber of Commerce reported to the City Council—and letter writers have repeated—the statistic that 65 percent of restaurants in Ames are non-smoking. True, but…

It is informative to note that smoking is allowed in over 75 percent of restaurants where one would be expected to leave a tip for the serving staff. (Tipping of the staff may be associated with dining as opposed to eating.)

The number of nonsmoking tipping restaurants in Ames is quite limited (probably less than 10) contrary to what the chamber's statistics suggest.

Happily, the busiest, and surely the most profitable restaurant in Ames, Hickory Park, is non-smoking. Why not follow the leader?

Letter to the Editor – The Tribune – 11/07/00 – Bob K.

"Move forward with the ban"

"They're trying to ram this through based on people's health," according to Rick Carmer, owner of Wallaby's restaurant (Ames Tribune, pages A1 and A4, Oct 30). This was one of Mr. Carmer's several negative responses to doing a public survey regarding the proposed Ames smoking ban in public places.

Should government not regulate health concerns in restaurants? Is Mr. Carmer opposed to health laws regarding cleanliness in his kitchen? How about serving tainted food? Would he also recommend that we roll back safety laws regarding having enough fire exits, sprinklers and smoke detectors? The fact is that those laws and others are enacted in the best interests of the public rather than in the best interests (at least short term) of restaurant owners. In the long term, we all benefit by having safer and healthier restaurants.

I hope that our elected City Council members remember that they were elected to represent their constituents' best interests. Most of my neighbors and friends support this ban. It is time to move forward on this.

COMMENTARY

As you can tell from the next to the last line of the above letter, this subject occupied a ***lot*** of people's time and attention. It was discussed in homes, offices, over the back fence and in the coffee shops. ATTF received a great deal of feed-back from friends and acquaintances. We were constantly being cheered up by the news from these folks that they were wholeheartedly in favor of the ordinance. I always brought up the subject with waiters and waitresses (who didn't know me at all). Only twice did I receive a negative response from my server—and both of them were smokers! The others (dozens) always responded that they hoped the ban would be enacted. People who knew me said frequently, "Keep up the good work!"—even some who were smokers themselves.

Letter to the Editor – The Tribune – 11/08/00 – Ames Mayor's Youth Committee "Youth support smoking ban" (Signed by seventeen Youth Committee members)

The Ames Mayor's Youth Committee strongly supports the smoking ban under consideration by the City Council. This ban should be passed because it will benefit the health of all Ames residents.

While the opponents are concerned about decreased business revenues, we have received letters which testify that businesses in California are thriving and that the smoking ban there has not decreased business revenues. Furthermore, Ames residents who visit California are overjoyed by the comfort of a smoke-free environment.

As Iowa struggles to attract more residents, it is crucial that we allow our city to stand apart from others. If we ban it, they will come!

Banning smoking is not only a health-conscious decision; it will benefit the economy of Ames and contribute to our population growth.

The youth committee is also opposed to the use of tobacco products by minors. The following Ames businesses are taking a lead in discouraging teen smoking by refusing to sell tobacco to minors. [Names of several businesses…] The committee recognizes their efforts with certificates displayed at their businesses. We encourage your support of these businesses.

COMMENTARY

High school age young people often are "led down the garden path" through peer pressure. We are so proud of these young people who are among the best and finest of Ames youth, who themselves are excellent role models. Let the youth of your area help lead the way.

BREAKTHROUGH!!!!—NOVEMBER 9, 2000

COMMENTARY

A breakthrough of monumental proportion was achieved on November 8, 2000. The restaurant owners made an "offer that we could not refuse." The proposal needed only a few little "tweakings" after this time to be shaped into final form. That does not mean there were no detractors from then on. It does not mean that everyone "came on board." What it means is that ATTF and the restaurant owners began to work together to develop a compromise that both parties could accept. Richard L., staff writer for The Tribune, wrote the following article. This was Richard's best (and first) attempt at writing an article as a report rather than editorializing his own opinion, which, in my humble opinion, had previously been very negative toward the ordinance and ATTF. (See letter to the editor—11/13/00—from Michelle C.)

News article – The Tribune -- 11/09/00 – Richard L., Staff Writer
"Restaurant, bar owners pitch ban compromise"

Representatives of Ames' bars and restaurants on Wednesday made what they termed a one-time offer to anti-smoking advocates to compromise on a proposed ordinance that would ban smoking in the city's public places.

The business owners sought to encourage the Ames Tobacco Task Force, the main civic group pushing for a no-smoking ordinance, to accept the compromise. The pitch: It would go a long way toward eliminating smoke in restaurants and bars in Ames, while it would stifle any unfair competition among eateries and taverns.

"We came with our best possible offer," said Bob Cummings, who owns O'Malley and McGee's and Aunt Maude's restaurants in Ames. "We did not come to negotiate."

Rick Johansen, who owns Country Kitchen Restaurant and Bakery and B-Bop's Restaurant, was also at the meeting.

Task Force representatives effusively praised the businessmen for their initiative. But they stopped short of accepting it, saying they must check with their organizations to see if they will back the plan. The businessmen want the task force to support the plan before the council; they said they will not present it alone.

The council meets on Nov. 14 to consider a smoking ban. That ban, in its present form, would eliminate all smoking in all public places, such as restaurants, bars, bowling alleys and pool halls. It would not include private places, such as people's homes.

The compromise proposal would ban smoking in bars and restaurants from 6 a.m. until 8:30 p.m., or earlier if an establishment decides to terminate food sales sooner. It would ban smoking in indoor and outdoor areas where food is served during that time. After 8:30 p.m., smoking would be allowed in designated areas. Bowling alleys would be smoke-free from 8 a.m. to 6 p.m., except on Thursdays.

Bars in which food sales make up less than 10 percent *(Note this is an important point...)* of total receipts could allow smoking at all times.

Pool halls that do not admit minors could allow smoking at all times.

Bowling alleys and truck stops that build a separate, enclosed room with a ventilation system could allow smoking at all times.

Places that have live music on the premises could allow smoking at all times.

The city attorney is reviewing the proposal.

The proposal was hatched after a weekend of frenetic meetings with various restaurants and bar owners, several of whom initially resisted the proposal but eventually relented after being lobbied, Cummings said. It is supported by some 50 eateries and bars, he added.

A goal behind the compromise, the restauranteurs said, is to eliminate unfair competition among restaurants and bars. As an example, Cummings said he would make his outdoor patio area smoke-free at O'Malley's and McGee's, so that the restaurant would not have an advantage over eateries without outdoor seating.

A corollary goal is to avoid a situation where the council opts for a restaurant-only ban, a scenario it seriously entertained in September. The way the restauranteurs see it, the compromise proposal is the best option, while the restaurant-only ban would be the worst. So, why not work for the best deal?

"We are at the mercy of whatever ordinance they write," Cummings said.

Cummings admitted the proposal is "not a perfect solution." But he argued it accomplished much of what the anti-smoking forces want, which is a smoke-free environment in public places.

It could be a hard sell. The task force has made it clear that it is interested in a total ban that would eliminate the health hazard caused by secondhand smoke.

"I think the question we need to ask is: Does [the compromise] meet the best interests of public health?" said Gerri Bugg, who represents Youth and Shelter Services in Ames.

If anything, the compromise is the first attempt to find some common ground between the two sides, which until Wednesday had not met formally since talks broke down in early October.

Agenda – Ames Tobacco Task Force & Mid-Iowa Community Health Committee – Nov 10 at Youth & Shelter Services. [*hoo-boy !!!*]

1. Welcome/ Call to Order
2. Discussion of Restaurant Compromise
3. Alternative Campaign Options
4. Preparation for Public Hearing – Nov 14
5. Next Meeting Date:

COMMENTARY

We would like to deny that it ever happened—but that would not be truthful. It was at this meeting that we initiated a conference phone call with certain officials of the American Cancer Society in Iowa City, to discuss with them our intention to support the compromise ordinance. (Remember? "Half a loaf is better than none?") The Iowa City official of that organization "lowered the boom" on us and told us we were, in effect, "opening the petcocks and letting the ship sink!" Suffice to say, for several months following, there was an irreparable rift between the Ames Tobacco Task Force and the American Cancer Society.

The reason for the rift was this: ACS believed our ordinance needed to be complete. They did not agree with our process of "incrementalism." Our goals were the same. No problem there. They just did not agree with our willingness to stop short of having "the whole loaf." (That was, ATTF believed, without question, ***not*** an achievable goal!) So, they withdrew their support from ATTF, and actively sought to scuttle the implementation of the Ames ordinance. They believed it did not go far enough, and might harm efforts being put forth in other communities.

ATTF plainly stated to ACS that our compromise ordinance was "an Ames solution for an Ames problem," and we would not comply with unreasonable requests to satisfy an unachievable goal. We parted company for a time. Happily, we have now reunited in our efforts to continue the process of ridding the world of the unhealthful practice of using tobacco products in any form. We're good friends and are working together as a team again.

Letter to the Editor – The Tribune – 11/13/00 – Michelle C.
"Coverage shouldn't be editorialized"

I am writing to express my frustration with Richard Lewis' coverage of the smoking ban proposed by the Ames city council.

A quote from Mr. Lewis in an Oct. 26 article clearly indicates that he believes that the city council has taken the wrong approach to this issue: "But in many ways the council invited this upon itself. On Sept. 12, it voted unanimously to draw up an ordinance banning smoking in restaurants without consulting restaurant owners or the business community." This statement of opinion would have been appropriate as quote from a restaurant owner, but it was inappropriate from a reporter. A careful reader can detect this type of negative slant in every article Mr. Lewis has authored regarding this issue.

In the article entitled "ISU students are against smoking ban," I believe Mr. Lewis has moved from simply slanting his articles to actually misrepresenting the facts. Mr. Lewis stated "Iowa State University students are overwhelmingly against a proposed smoking ban in Ames." However, it becomes clear from the subsequent text that the true facts are that 70 percent of the Iowa State University student body *senators* voted against the ban. Since ISU student body senators are a very small (and non-random) sample of the overall ISU student population, the statement that "Iowa State University students are overwhelmingly against a proposed smoking ban in Ames" is grossly misleading.

My recollection from an undergraduate journalism class is that a reporter's primary task is to provide an unbiased summary of the facts to enable the reader to draw his or her own conclusions. Opinions belong on the editorial page.

News article – The Tribune -- 11/14/00 – Richard L., Staff Writer
"Anti-smoking forces back compromise" (Council expected to consider proposal at tonight's meeting.) This article (quite lengthy) is condensed for space-saving considerations.

Anti-smoking advocates agreed Monday to a compromise advanced by the Ames restaurant and bar industry that would ban smoking in eateries and some taverns until the evening but pulls short of an all-out ban.

The proposal is expected to be considered, but not voted on, when the Ames City Council meets tonight.

The Ames Tobacco Task Force decided to back the proposal even though it does not meet the panel's goal of fully eliminating smoking in restaurants and other public places.

One of the task force's approximately 12 permanent members, the American Cancer Society, does not back the agreement. Natalie Battles, the panel's chairwoman and the cancer society's representative to it, said the compromise does not serve "the best interests of public health" since there would be times when smoking would be allowed.

The proposed compromise is enough to convince the panel's most passionate backer of a full-blown ordinance, Herman Quirmbach, to back it. "They've given us something we can live with," he said. But for how long?

George Belitsos, director of Youth and Shelter Services and a task force member, said he does not expect the panel to push for a wider ban for at least several years.

The proposed ban seems to be on pretty firm legal ground, said John Klaus, Ames City Attorney. But questions remain, such as whether Ames can label an outdoor patio a public place when state law defines it to be an enclosed area. Moreover, could a bar with one or two pool tables call itself a pool hall, thus, exempt from the ordinance?

Still, the fact that any compromise emerged at all was a surprise to many….

News article – 11/15/00 – The Tribune – Richard L., Staff Writer

"COUNCIL OPTS FOR COMPROMISE SMOKING BAN"

[Article abbreviated to save space.]

The Ames City Council opted for a compromise that bans smoking in restaurants and combination bars/restaurants until the evening but permits smoking in most free-standing taverns and other public places.

The council voted unanimously Tuesday to instruct the city attorney to draft the compromise proposal as an ordinance. That is expected to come back to the council for a public hearing and a vote in January.

If adopted, Ames would be the first community in Iowa with a no-smoking law. The law would not conflict with a state law outlawing smoking in certain public places, the Iowa Attorney General Office decided just before the council session. [*See next article—below.*]

The compromise was a late-hour effort by the restaurant and bar industry to avert a wider ordinance being considered by the city council that would have prohibited smoking in all Ames public places. Anti-smoking advocates, led by the Ames Tobacco Task Force, agreed to the compromise Monday, though it falls short of their stated goal of a total ban.

To relieved councilors, the agreement allowed them to scrap the more controversial full ban that has deeply divided the public. [*Well----the public was not all that deeply divided. The overwhelming proportion of the public was in favor of the ban, even though a few non-smokers were worried that we may be stepping on some owners "rights." That's a difficult issue to address, but it is no less important to remember that non-smokers have "rights" too. It is a health issue. It cannot—must not—be seen as a "rights" issue unless the rights of non-smokers to breathe unpolluted air are considered.*] "We can live with this," he (Steve Goodhue, Councilor) said.

It is now up to City Attorney John Klaus to pick his way through the legalities of the proposal. There appears to be several potential sticking points. One of them is prohibiting smoking in outdoor patios by labeling it a public place. State law defines a public place as an enclosed area. Another is the 15-foot zone outside businesses, which, again, could run counter to the state's definition.

…At least 25 individuals spoke for or against the proposed ban. Only a few of them represented the restaurant and bar industry or the tobacco task force.

Those opposed to the ordinance said it constituted governmental intrusion on people's freedom to choose.

"We as a city cannot play God and decide which freedoms are acceptable," said Kejing Wang, one of several Ames High School students who spoke against the ban.

Those who want the ordinance said freedom goes both ways.

"I have rights, too," said Sandra Peters, an Ames resident who recounted that some family members had died from smoking. "I don't think I should have to be limited to those [eateries or bars] that don't have smoking."

News article – 11/15/00 – Richard L., Staff Writer (Companion article with the above.)

ATTORNEY GENERAL: AMES LAW WOULDN'T CONFLICT WITH STATE'S

[Article abbreviated to save space]

Ames' consideration of a no-smoking ordinance would not conflict with state law designating smoking areas, the Iowa Attorney General's office decided Tuesday.

The Ames City Council had asked for Attorney General Tom Miller's opinion—etc.

SUMMARY OF CITY COUNCIL MEETING

NOVEMBER 14, 2000

From the Minutes of the Meeting –11/14/00

[The] proposal had various imperfections for each of the parties; each group had to make some concessions.

Mr. Miller [a respected businessman in Ames] said it is the hope of both groups that the City Council will refer the details of the Compromise Proposal to a working committee composed of the City Attorney, Mary Kitchell and Lenwood Monte of the Tobacco Task Force, and Bob Cummings and Rich Johansen, representing the hospitality industry.

Mr. Miller read the Compromise Proposal, as follows:

1. Restaurants, bars and taverns shall be non-smoking from 6 AM thru 8:30 PM daily. At 8:30 PM, these establishments may designate a smoking area in compliance with state law.

   Bars, and taverns are exempt if food sales are 10% of gross sales or less. In the case of food served on premise from outside vendors, these sales are to be included in food sales and gross sales.

   Should an establishment decide, on a consistent and regularly scheduled basis, to terminate food service prior to 8:30 PM, then this establishment may begin to allow smoking at the scheduled time.

   Outdoor seating areas will be considered as indoor areas if food is served.
2. Truckstop establishments are allowed to establish an unrestricted smoking area that is fully enclosed and has a separate ventilation system. Should the establishment later enlarge the dining area, no expansion can be made of the smoking area.
3. Bowling alleys shall be non-smoking from 6 AM through 6 PM. After 6 PM, these establishments may designate a smoking area in compliance with state law. Due to specific league play, the time to allow smoking on Thursdays is advanced to 3 PM. Bowling alleys are allowed to establish an unrestricted smoking area that is fully enclosed and has a separate ventilation system.
4. Common areas of hotels and motels shall be smoke-free.
5. A smoke-free zone of 15 feet at the main entrance/exit of all restaurants, bars, taverns, truckstops and bowling alleys shall be maintained except where adjacent establishments preclude such zones.
6. Customers under 18 years of age are not allowed in smoking areas.
7. An ordinance developed from these guidelines shall be effective no earlier than six months following enactment. Diligent enforcement is expected.

COMMENTARY

On November 16, a letter to the editor appeared in The Tribune, thanking the members of the Ames City Council for their "thoughtful consideration and action to help Ames move a step closer to smoke-free dining despite the controversy you have encountered." It was signed by all of the members of the Ames Tobacco Task Force.

Controversy there was (aplenty, if you will) but it did not stop at that point. One segment of our work was complete—assuring that an ordinance would be enacted. Most of the blazing fire had been contained—but there were pockets of resistance that later would fire up again. The following is a copy of the ordinance.

FINAL ORDINANCE

ORDINANCE NO. 3608

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW CHAPTER 21A CONSISTING OF SECTIONS 21A.100 THROUGH 21A.600 FOR THE PURPOSE OF PROHIBITING THE DESIGNATION OF SMOKING AREAS IN PUBLIC PLACES IN ACCORDANCE WITH CHAPTER 142B CODE OF IOWA; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, "smoking", as defined by Subsection 142B.1(4) Code of Iowa, is, by Subsection 142B.2(1) Code of Iowa, prohibited in a "public place" as defined by Subsection 142B.1(3) Code of Iowa, except in a designated "smoking area"; and,

WHEREAS, "smoking areas" may be designated, pursuant to Subsection 142B.2(2) Code of Iowa, by persons having custody or control of public places except in places where smoking is prohibited by ordinance; and,

WHEREAS, it is found that smoking areas have been designated in many such public places in this city; and,

WHEREAS, it is found that the designation of smoking areas in those public places has subjected persons to the harmful effects of tobacco smoke on their health, and curtailed the number of public places that can be enjoyed by persons who have an allergy or other heightened sensitivity to smoke; and,

WHEREAS, it is deemed to be in the interest of the public health and the economic welfare of the community that designation of smoking areas be prohibited in such public places that are frequented, for the most part, by residents of this city;

NOW, THEREFORE, be it ordained, by the City Council for the City of Ames, Iowa;

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by adding a new Chapter 21A as follows:

"CHAPTER 21A
SMOKING IN PUBLIC PLACES

Sec. 21A.100. PURPOSE.

The purpose of the provisions of this chapter, Sections 21A.100 through 21A.300 of the Municipal Code of the City of Ames, Iowa, is to augment the provisions of chapter 142B, Sections 142B.1 through 142B.6 Code of Iowa, by prohibiting smoking, as smoking is defined by Section 142B.1(4) Code of Iowa, in public places, as 'public place' is defined in Section 142B.1(3) Code of Iowa, to prevent the designation in those public places of any smoking area in accordance with Section 142B.2(2) Code of Iowa.

Sec. 21A.101. PUBLIC PLACES WHERE SMOKING IS PROHIBITED.

Smoking, as defined by Subsection 142B.1(4) Code of Iowa, is prohibited in any establishment that is a 'public place' as defined by Subsection 142B.1(3) Code of Iowa.

Sec. 21A.102. DESIGNATION OF SMOKING AREA PROHIBITED.

The person having custody or control of any place that is a 'public place' as defined by Section 142B.1(3) Code of Iowa, shall not designate any part or portion of that place as a smoking area pursuant to Section 142B.2(2) Code of Iowa.

Sec. 21A.200. FOOD ESTABLISHMENT, TIME-OF-DAY EXEMPTION.

The provisions of Section 21A.101 and Section 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply to a food establishment as defined by Section 137F.1(8) Code of Iowa during that time between 8:30 p.m. and 6:00 a.m. During that time such food establishment may designate a smoking area in accordance with Section 142B.2(2) Code of Iowa. Such food establishment that terminates food service at the establishment on a consistent and regularly scheduled basis at a time earlier than 8:30 p.m. shall not, during the time period between such earlier time and 6:00 a.m., be subject to Sections 21A.101 and 21A.102 of the Municipal Code of the city of Ames, Iowa, and may, between such earlier time and 6:00 a.m. designate a smoking area in accordance with Section 142B.2(2) Code of Iowa.

Sec. 21A.201. LESS THAN TEN PERCENT EXEMPTION.

The provisions of Sections 21A.101 and 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply to a food establishment as defined by Section 137F.1(8) Code of Iowa that is also a licensed premises as defined by Section 123.3(20) Code of Iowa if non-alcoholic food sales at such establishment are less than ten percent of the dollar amount of sales of all kinds at that establishment and there has been filed with the Ames City Clerk the sworn affidavit of the person in custody and control of the establishment attesting to that fact. The sales price of non-alcoholic food that is delivered from a food establishment as defined by 137F.1(8) Code of Iowa to a licensed premises as defined by Section 123.3(20) Code of Iowa for consumption on the premises to which it is delivered, shall be included in computing the dollar amount of non-alcoholic food sales and the dollar amount of sales of all kinds of the establishment to which the non-alcoholic food is delivered, for purposes of computing the percentage of non-alcoholic food sales at the establishment for which the exemption under this section is sought.

Sec. 21A.202. TRUCK STOP EXEMPTION.

(a) The provisions of Section 21A.101 and 21A.102 of the Municipal Code of the city of Ames, Iowa shall not apply to that portion of a public place, as public place is defined in Section 142B.1(3) Code of Iowa, that is a fully enclosed room within such public place, and which fully enclosed room has a forced air ventilation system that is separate from the ventilation system for the remainder of the said public place in which such room is located if the said public place is a food establishment as defined by Section 137F.1(8) Code of Iowa that:

- (i) is located within 1,000 feet of Interstate Highway 35;
- (ii) provides parking spaces for more than twelve semi-tractor trailers; and
- (iii) has filed with the Ames City Clerk the sworn affidavit of the person in custody and control of the establishment that the establishment has, in addition to its food sales, sales of diesel fuel that on average, over a calendar year, amount to more than twelve thousand gallons per month, as shown by records made in the regular course of that establishment's business and filed with the said affidavit.

(b) In the event that the dining area of such public place as is the subject of this section is expanded subsequent to the establishment of an exempt room provided for in this section, there shall be no increase in the area of the said exempt room.

Sec. 21A.203. BOWLING ALLEY EXEMPTION.

(a) The provisions of Section 21A.101 and 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply, during the time between the hours of 6:00 p.m. and the following 6:00 a.m. on all days and between 3:00 p.m. Thursday and the following 6:00 a.m., to a public place as public place is defined by Section 142B.1(3) Code of Iowa, that offers the use of not less than twelve full scale bowling lanes that are each equipped with operable automatic pin setting apparatus. During the times stated in this section, such public place with bowling lanes as aforesaid may designate a smoking area in accordance with Section 142B.2(2) Code of Iowa.

(b) The provisions of Section 21A.101 and 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply to that portion of a public place, as public place is defined in Section

Final Ordinance

142B.1(3) Code of Iowa, that is a fully enclosed room within such public place which room has a forced air ventilation system that is separate from the ventilation system for the remainder of the public place in which such room is located, if the said public place offers the use of not less than twelve full scale bowling lanes each equipped with operable automatic pin setting apparatus.

Sec. 21A.204. RENTED ROOM SOCIAL EVENT EXEMPTION.

Section 21A.101 and 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not the proprietor or person in charge of the place, all in accordance with Section 142B.2(1) Code of Iowa.

Sec. 21A.205. CERTAIN WORK PLACES EXEMPTION.

Section 21A.101 and 21A.102 of the Municipal Code of the City of Ames, Iowa shall not apply to factories, warehouses and similar places of work not usually frequented by the general public, all in accordance with Section 142B.2(1) Code of Iowa.

Sec. 21A.300. SMOKE-FREE AREAS, HOTELS AND MOTELS.

(a) The person in custody and control of any hotel or motel shall take such measures as shall be reasonably necessary and effective to keep all lobby areas, corridors and other common areas of the hotel or motel free from any level of tobacco smoke that can be detected by the unaided human sense of smell.

(b) Smoking, as defined by subsection 142B.1(4), Code of Iowa, is prohibited in any hotel or motel lobby, corridor or other common area of the hotel or motel.

Sec. 21A.301. SMOKE-FREE AREAS, CERTAIN ENTRANCES AND EXITS.

(a) The person in custody and control of any place that comes within the scope of Sections 21A.200, 21A.201, 21A.202, and 21A.203 of the Municipal Code of the City of Ames, Iowa shall take such measures as shall be reasonably necessary and feasible to maintain all points within fifteen feet of the main entrance and the main exit of such place free from any level of tobacco smoke that can be detected by the unaided human sense of smell.

(b) Smoking, as defined by Subsection 142B.1(4), Code of Iowa, is prohibited at any point within fifteen feet of the main entrance and the main exit of any place that comes within the scope of Sections 21A.200, 21A.201, 21A.202, and 21A.203 of the Municipal Code of the City of Ames, Iowa.

Sec. 21A.400. MINORS PROHIBITED IN SMOKING AREAS.

(a) The person in custody and control of any place that comes within the scope of Sections 21A.200, 21A.201, 21A.202, and 21A.203 of the Municipal Code of the City of Ames, Iowa shall take such measures as shall be reasonably necessary and feasible to prevent persons under the age of eighteen from being present in any area where smoking, as defined in Subsection 142B.1(4) Code of Iowa, is allowed under the Municipal Code of the City of Ames, Iowa.

(b) It is unlawful for any person under the age of eighteen to be present in any place where smoking is allowed under the Municipal Code of the City of Ames, Iowa.

Sec. 21A.500. OUTDOOR SEATING AREAS.

Outdoor seating areas shall be subject to the prohibitions, provisions and exemptions stated in Sections 21A.101, 21A.102, 21A.200, 21A.201, 21A.202, 21A.203, 21A.204, 21A.205, 21A.300, 21A.301 and 21A.400, the same as indoor seating areas.

Sec. 21A.600. PENALTY.

(1) Violation of Section 21A.102, 21A.300(a), 21A.301(a), and 21A.400(a) shall be a municipal infraction punishable by a civil penalty of $500 for a person's first violation thereof, and a penalty of $750.00 for each repeat violation.

(2) Smoking in violation of Section 21A.101, 21A.300(b), 21A.301(b), and 21A.400(b) shall be a municipal infraction punishable by a penalty of $25.00."

Section Two. If any section, subsection, sentence, clause or other part or portion of this ordinance shall be adjudicated invalid, all the rest and remainder of this ordinance shall be and remain in full force and effect.

Section Three. Violation of this ordinance shall constitute a municipal infraction punishable as herein provided.

Section Four. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Five. This ordinance shall be in full force and effect on the first day of August, 2001, after its third and final passage by the City Council and publication as required by law.

Passed this 6th day of March, 2001.

Diane R. Voss

Diane R. Voss, City Clerk

Ted Tedesco, Mayor

O594
Rev. 1-3-01, 1-24-01, 1-25-01

COMMENTARY

On November 22, a letter to the editor was printed in the newspaper, written by yours truly. It is a very long letter. I've included it here as an example of our intention to not let this matter "get away from us." The heading does not really express what the body of the letter intends. My intention was to portray "responsibility over license," (not over liberty.) But, they published the letter, so I'm not complaining.

Letter to the Editor – The Tribune – 11/22/00 – Lenwood M.
"Responsibility over liberty"

We've all heard the phrase, "Democracy in action." On Nov. 14, I was convinced that we saw it working in Ames at the meeting of the City Council.

As you know, we have been discussing for months a proposal for an ordinance banning tobacco smoke in places where the public meets, eats, drinks and spends some of its leisure time. Who should be affected by the ordinance, and how (or even if), has been the focus of countless meetings, innumerable conversations, endless fits and starts, as well as a flurry of e-mails, letters, columns and news items. It has been a bumpy ride and a hard row to hoe for everyone involved.

I am heartened by our arrival at a compromise on many of the details that have been like nettles to both sides, both pro and con. I look forward to the preparation of the ordinance by the city attorney and its presentation to the council, now that most of the sticky issues have been addressed. Neither side is a clear "winner," which is the essence of good compromise. Better still, neither side is a "loser."

It is clear that the majority of our citizens unquestionably view this as an urgent health issue. Furthermore, even the most avid adversary of the ordinance is cognizant of the fact that tobacco smoke is intrusive, dangerous and even deadly. Secondhand smoke kills more Americans each year than all of the car crashes in the nation. Secondhand smoke causes more American deaths each year than did all 10 years of our involvement in Vietnam.

Still, there has been a reluctance on the part of some folks to classify this horrendous death toll as a health issue. They view it as some kind of diminution of the freedoms we enjoy as American citizens. They continue to insist that they want no laws enacted that will limit their freedom to smoke when, where and as they choose.

Do they not realize that every law limits us to act in particular ways? Should we have no laws at all? Or, just no laws about the health hazard called smoking? Since smokers have refused to restrict their harmful habit when they are in the presence of those who are at risk (everybody!), it is essential to restrict them by law. We're talking about a killer, here!

I own an automobile. How and where I use it is strictly regulated by law, so that I will not harm someone with my car. If I do, there are consequences. I also own a gun. The Second Amendment guarantees my freedom to own it. There are consequences connected with the misuse of a deadly weapon. There is more to owning cars and guns than simply possessing the liberty to do so and the know-how of using them. They must be used with an accompanying sense of responsibility.

There is more to smoking tobacco than simply deciding when, where and how one will use it, too. It is not a discretionary matter because it has such tremendous consequences for everyone who comes into contact with it. If it is used at all, it must used with an accompanying sense of responsibility for others.

During this birthing process for an ordinance, we have heard many impassioned speeches about American liberty. Great! America is very much about liberty. I have not heard, however, even one reference about American responsibility. Did the speakers forget that America is very much about responsibility?

Liberty without a corresponding sense of responsibility is not liberty at all. It is license. License is an excessive, undisciplined freedom, actually an abuse of freedom. Scoundrels and knaves believe in license because they care little for the rights of others. Decent, law-abiding citizens understand that responsibility goes hand in hand with true liberty.

As one who has dedicated a portion of his life to the cause of freedom (as did millions of others, bless them!), I find it disconcerting to listen to those who would characterize my/our concern for this health issue—as a threat to liberty. For instance, my hearing loss, which began in the cacophony of .50 caliber machine-guns and 40-mm anti-aircraft artillery fire, plus my frozen feet in Korea, should help eliminate their doubt as to my dedication to the cause of liberty. I gave no more than millions of others—and far less than hundreds of thousands who gave everything they had. Most of us, I am sure, recognize our service to our country as a measure of the responsibility we owed to our fellow man. Please don't insult us by claiming we are contending against anyone's liberty. Rather, we feel confident that we are still seeking to secure safety and liberty for the citizenry—not robbing them of it.

One more word, please. Thank you to the Ames City Council for taking the heat and standing firm in giving this entire matter the dedicated effort and consideration it deserves.

COMMENTARY

If you believe that the controversy was settled—please take another look. The following letter to the editor was printed in the same issue of the newspaper as was my letter (above.)

Letter to the Editor – The Tribune – 11/22/00 – Stan S.
"Smoking decision isn't city's to make"

Am I missing something? Are the City Council and a few people against smoking and smokers going to be allowed to bankrupt select businesses in Ames?

What's wrong with this scenario? Each business desiring to allow smoking or not allow smoking within, have a notice posted conspicuously in the entryway. (SMOKING PERMITTED) or (NO SMOKING ALLOWED), (IF YOU OR ANYONE IN YOUR PARTY IS OFFENDED BY THIS POLICY, PLEASE DO NOT ENTER).

Additionally, for the public worried about young people getting a whiff of "secondhand smoke," the (SMOKING PERMITTED) establishments could require anyone under the age of 18 to be accompanied by an adult.

It's plain and simple, let the businesses make the decision to allow the customer to make the decision.

If a person feels comfortable around smokers and secondhand smoke, they may utilize the services of a smoking establishment.

On the other hand, if a person is uncomfortable or offended by smokers and smoking, let them patronize the smokeless establishments.

Don't try to compromise, let the business owner decide which portion of the public they want to do business with: "SMOKING PERMITTED" or "NO SMOKING ALLOWED." That's all there is to it.

After all, these *public businesses* are for the most part *privately owned!* We all know community, county, state and federal facilities should in fact be smoke-free.

I know, we could take a vote and count votes until everyone is satisfied with the result.

COMMENTARY

"There is none so blind," states the adage, "as someone who *will not* see.

November 2000

Prevention News

Courtesy of Youth and Shelter Services, Inc., Community Youth and Family Development Branch

420 Kellogg Avenue, Ames, IA 50010
www.yss.ames.ia.us email: PEdept@yss.ames.ia.us
515-232-4331, Fax: 515-233-2440

Tobacco

Cigarettes kill more Americans than AIDS, alcohol, car accidents, fires, illegal drugs, murders, and suicides combined.

Effects of Smoking

- Nicotine, the addictive substance in tobacco, reaches the brain within seven seconds of the first puff.
- Heart rate and blood pressure increase in three seconds.
- Throat tissues become irritated.
- Carbon monoxide, a poisonous gas, enters the blood stream.
- The flow of blood to the extremities is reduced, causing the skin temperature of the hands and feet to drop.
- Hands become less steady.
- Cigarette smoking is a cause of coronary heart disease and stroke.
- Tars from cigarette smoke stain the lungs and can cause cancer.
- More than 4,000 chemical compounds have been identified in tobacco smoke. Forty-three cause cancer in humans or animals.
- Smoking during pregnancy increases the risk of miscarriage, birth defects, and still born infants.

Other Scary Statistics

- Over 400,000 Americans die each year from diseases caused by smoking.
- Smoking is the leading cause of lung cancer in both men and women.
- 13 is the ***average*** age children begin to use tobacco products.
- Children of parents who smoke are twice as likely to become smokers.
- 90% of adult smokers began smoking by age 18.

> *I've learned that I still have a lot to learn.*
> *-age 92*

Smokeless Tobacco

Chewing tobacco is a mixture of tobacco and molasses. Tobacco is "chewed" by sucking on a golf-ball size wad between the cheek and teeth. Snuff, on the other hand, is powdered or crushed tobacco. It is "dipped" by placing a pinch between the lower lip and gum where it is absorbed through the gums. Dippers or chews have more saliva than normal. They must swallow the tobacco juice or spit often. Snuff and chewing tobacco are just as dangerous as the tobacco used in cigarettes, cigars and pipes. Smokeless tobacco is addictive; it is harder to stop using than it is to stop smoking.

Secondhand Smoke

An involuntary smoker - a nonsmoker breathing the smoke from others - is also at increased risk of developing disease. The risk depends on the amount of tobacco smoke exposure. As an involuntary smoker, you breathe less tobacco smoke than an active smoker because the smoke mixes with the air around you. But, the Environmental Protection Agency estimates that 4,000 lung cancer deaths annually—nearly 3& of the annual lung cancer death toll—have been caused by involuntary smoking. It also causes heart disease, aggravates asthmatic conditions, and impairs blood circulation.

Children of smokers have a greater chance of developing certain illnesses such as:

- Colds
- Bronchitis and pneumonia, especially during the first two years of life
- Chronic coughs, especially as children get older
- Ear infections

How to Help Someone Stop Smoking or Chewing

1. Tell your friend that you think he/she can make it this time - even if they have tried to quit before and failed. In fact, most smokers/chewers have to "practice" quitting a few times before they quit for good.
2. For the first few days after the smoker/chewer quits, be ready to help. He/She may want to talk all the time or they may just want extra help when a tough situation come up, like a coffee break, a party, or a crisis at home or at work.
3. Offer to call or visit to check on how he/she is doing. Ask how they're feeling, not just whether or not he/she is still off tobacco products.
4. No nagging, scolding, or preaching - these just don't work. Instead, let him/her know how much you admire them for trying to quit. Let him/her know that you will care about them whether they quit or not.
5. Give lots of praise and offer rewards for getting through a day, a week, or a month without smoking or chewing. Rewards can be simple - flowers, a lunch treat, doing a chore around the house or office that your friend often does.
6. Give rewards right away. For example, let him/her watch his/her favorite TV show while you do the dishes. Giving rewards right away works better than rewards promised for the future.
7. Offer to do things together like eating in the nonsmoking area of a lunchroom or restaurant, going to a movie, or exercising.
8. Try to see it from your friend's side. He/She is not really sure that they want to quit. Cigarettes and smokeless tobacco have been a steady friend for a long time. These feelings are normal even in smokers/chewers who succeed. Let him/her know you understand his/her doubts.

Source
Iowa Substance Abuse Info Center
Cedar Rapids Public Library 1997
American Lung Association

DECEMBER—2000

COMMENTARY

It may well have been time for us to pause—catch our breath—and wait for "what's next?" The month of December provided that pause. Only a few brief articles appeared in the newspaper to even indicate that something momentous had occurred in the City of Ames. Mary Greeley Medical Center began looking for 15 smokers to enroll in a pilot program. All of the festivities of the year's end, with attendant "busy-ness" slowed the pace, even for all of the folks who were "holding their breath" in anticipation of final preparations for the readings of the ordinance at City Council. It still was, after all, not a "done deal."

News article – The Tribune -- 12/01/00 – Richard L., Staff Writer "Homeward gets grant to help area adults quit smoking"

The Mary Greeley Medical Center in Ames has obtained $25,000 to launch a pilot program to help local residents kick the smoking habit.

Ames is one of four Iowa cities or counties (Iowa City, Grinnell and Johnson County are the others) to procure the initial funding, designed to decrease smoking in the state's adult population.

State health officials estimate about 24 percent of the state's adults smoke.

Deb Sellers, Homeward's director, said she hopes to recruit 15 smokers in Ames to enroll in the program.

The money will go toward training counselors and purchasing paraphernalia to help enrollees quit smoking, such as nicotine patches, gum and medication.

"We're trying to give every opportunity for someone to quit tobacco," said Sellers, who quit five years ago after smoking for about 20 years. "The person must make the decision."

The grant also will pay for signs promoting smoke-free public places that will be given to area businesses that prohibit smoking.

The grant is from the Iowa Department of Health. The money is part of funding the state receives from the federal Centers for Disease Control.

The counselors, likely drawn from the medical community and human service agencies, will lead group sessions and work with people individually, Sellers said.

The program is expected to start in January and run until the end of May.

What happens next is unclear. Sellers said she hopes counselors will remain in touch with their protégées, despite the fact that there is no money for follow-up care.

The health department is expected to continue the program in Ames—and expand it to other cities—if the initiative succeeds, said Cathy Callaway, director of the health department's tobacco use and prevention control division.

Last month, the Ames City Council approved drafting a law that would ban smoking in the city's restaurants and combination bar/restaurants until the evening hours. Sellers said the monthslong debate spotlighted the city's attention to tobacco use and helped Homeward get the grant.

Letter to the Editor – The Tribune – 12/09/00 – Ann P., Public Health Coordinator—HOMEWARD of Mary Greeley Medical Center. "Grant will help curb effects of tobacco"

It is great to have good news on the front page of the Ames Tribune. Thank you for sharing the news of the public health grant notification to HOMEWARD last week to implement tobacco use prevention strategies for adults.

Our successful application came at an auspicious time. On December 1, the Center for Disease Control announced that California's anti-smoking measures have had a positive effect. According to that report, the comprehensive preventive efforts over the past decade have resulted in a 14 percent decrease in lung cancer in California. Other regions of the country have experienced only a 2.7 percent decrease over the same time.

Through grants such as this to fund activity similar to that implemented in California dating back to 1988, combined tobacco use control, education prevention, cessation and research can lower deadly cancer related to smoking and tobacco use.

COMMENTARY

It was predicted by many that it would happen! Philip Morris USA began to rear its head, and began hissing that it knew how to solve the whole problem of second-hand smoke. Ads began to appear in the media, including ads promoting the wonderful things that Philip Morris was doing for the poor and hungry in the world.

You'll never convince the members of ATTF that Philip Morris was not just waiting to see what would happen before it initiated its involvement in our little corner of the world. Philip Morris was going to tamp down any little flames of resistance if it could, before they became a raging fire. One of the first things we saw, in addition to the TV ads extolling Philip Morris virtues, was a page entitled "SMOKE & PUBLIC PLACES." In the center of the page were a knife, fork and spoon, very graphic reminders of the target (restaurants) at which they were aimed. But, oh so gently…

Advertisement text – December – Philip Morris USA

One of the controversial issues concerning tobacco has been the problem of cigarette smoke in public places.

We know that environmental tobacco smoke (often referred to as "secondhand smoke," "passive smoke" or "ETS"} can be unpleasant and annoying [*not deadly?*], and that may people believe that it presents a health risk to non-smokers. That is why we support—through a variety of actions and programs—options designed to minimize [*not eliminate?*] unwanted ETS, while still providing adults with pleasant and comfortable places to smoke.

We have a national initiative called OPTIONS, which helps business owners create comfortable environments by providing information about ventilation, floor plan design and other improvements. [*Whaddayaknow? I have an even less expensive and far more effective solution…*]. Business owners can consult with experts free of charge to help find the option that can best work for them and all their customers.

The resources offered by OPTIONS have been helpful to many restaurants, airports and other hospitality establishments. Just one example is Sam and Harry's, a steak house in Tyson's Corner, Virginia, [*let's see now, does that state raise a lot of tobacco?*] where ventilation improvements allow the restaurant to accommodate both non-smoking and smoking customers. Other examples, which can be found throughout the country, help make the point that there are approaches that can provide comfortable environments for everyone.

There are some who would like to prohibit all public-place smoking. But we believe most people seek constructive answers in ways that respect everyone's choices and preferences. [*For decades, you have bugged us and killed us with your damnable, death-dealing smoke. Now you want us to believe that you have some respect for our choices and preferences? Give me a break!*]

To obtain more information about our new OPTIONS initiative, please visit our Web site…[*no, I'm not going to advertise your lousy web site for you!*]

News article – 12/06/00 – Paul Recer, Associated Press, Washington
"Study links smoking to colorectal cancer
[Article abbreviated]

Smoking cigarettes for 20 years or more can increase by more than 40 percent, the risk of dying of colorectal cancer, according to a study that blames tobacco for nearly one of eight such deaths in the United States.

Based on the study, Chao [study director] concluded that of approximately 56,000 Americans who die annually of colorectal cancer, about 6,800 of the deaths, some 12 percent, are associated with smoking.

COMMENTARY

Sometimes we think of Anchorage, Alaska, as being too far away to experience what's going on in the lower forty-eight. Not true. On 12/18/00, an article appeared in the news, written by Mary Pemberton of the Associated Press. It was entitled, "Anchorage smokers bemoan ordinance." On December 31, a no-smoking ordinance was to take effect in Anchorage. The focus of the people quoted in the article was: *"They should leave Alaska alone."* Where have we ever heard that before?

A quote, "The ordinance will ban smoking in most workplaces, including restaurants, bowling alleys, sports arenas and pool halls." sounds very familiar. A smoker named Shirley Cook, insisted that "I dare them to come in and say that I can't smoke in my own establishment. It's my right. If I want to suck this stuff into my lungs, well, all right." Jenny Murray, the tobacco policy coordinator for the American Cancer Society said, "Her rights stop at the beginning of my nose."

Addiction to smoke is a very powerful addiction for many people. It's little wonder, is it not, that the American Tobacco Companies during WW II *gave* cigarettes to young American military personnel. That was neither patriotism nor altruism. It was self-serving. Many new addicts (millions and millions of them!) were certain to pour billions of dollars into the coffers of the tobacco companies during the course of the following half-dozen decades and beyond. If you don't care about your income being "blood money" you can become very rich by owning a tobacco company. Of course you have a minor problem—that of replacing your customers who die earlier than might otherwise be expected—mowed down by "the filthy weed."

Of course, I have always been impressed by the "caring attitude" of companies such as Philip Morris, a gentle, caring company that wants only to "help folks."

Of interest to you, I am sure, is the fact that Philip Morris spent more money on promoting its image and its philanthropic community work than it actually contributed to those communities. [*Big deal, huh?*] If you would like to have those statistics, you may get them from (*this is an important resource address for you—)*, the Tobacco Use Prevention and Control Division, Lucas Bldg, 321 E. 12th Street, Des Moines, Iowa. The phone number is 515 / 281-6225.

At the end of this book, you will find a copy of a detailed, complete, *ideal* ordinance. Begin your work with that one, rather than the Ames ordinance. I believe that you too, will need to make compromises as you work toward your ordinance. The Ames ordinance has already undergone revisions. Beginning with the ideal ordinance, rather than one that has already undergone revisions, will allow you to finish with a stronger ordinance than you might have otherwise. Play your strong suit first. You can always "back off" and "give up" something, but don't give up too much in the beginning. {My grandpa was a horse-trader. I learned from him!]

JANUARY—2001

COMMENTARY

January 2001 came to us with two greetings. One was from the American Cancer Society. The President of the Midwest Board contacted many of its Ames members and requested that they urge the City Council to vote down "a bad ordinance." Please understand their reasoning. ATTF does not fault them severely for this because they wanted so desperately to achieve a *stronger*, less "compromising" ordinance. One sentence of their letter to members was: "Contact your City Councilor today and let them know you want Ames to have smoke-free restaurants that are truly smoke-free." The message was clear, but the total goal was simply not achievable. It was a hard pill to swallow, but it all turned out fine in the end.

The second message came from Michael Gartner, Pulitzer prize recipient and owner of the Greater Des Moines Baseball Company. The Iowa Cubs are the Triple A Affiliate of the Chicago Cubs. Mr. Gartner wrote to George.

"Here's what has happened since we barred smoking everywhere at Sec Taylor Stadium—in the stands, in the concourse, in the restaurant, everywhere. One man canceled his season ticket (but the people who sat around him all came up and thanked me), no one that I know of quit coming to the Cub Club, literally hundreds of people came up to me and thanked me, and we received many letters and e-mails approving. There was very little grumbling.

Did it affect business? Last year, we had record attendance at the Iowa Cubs (even though we finished in last place), and business at the Cub Club (which is open for lunch year-around) is up, too.

Incidentally, I also posted, in huge letters, four of the Surgeon General's warnings about smoking. I would recommend that your task force post those in appropriate and legal places in Ames. They are a great reminder. At the ballpark, we also put up an outfield sign that says, 'Don't Smoke, It Ruins Your Game,' and we use that often in our logos and our advertising."

We want to wish Mr. Garter and the Iowa Cubs our very best. If anyone is in a position to know what smoking does to an athlete's prowess, it is Mr. Gartner. It is our fervent hope that all of those guys we see, out on the field with a big "chaw" in their cheeks, are holding a big wad of bubble gum there—not Red Man chewing tobacco!

News article – The Tribune -- 01/04/01 – Colleen Rogers, Staff Writer
"Tobacco companies fund enforcement"

Tobacco companies are funding an enforcement program designed to restrict the access that Story County young people have to cigarettes and other tobacco products.

Iowa's Alcoholic Beverages Division received $1.7 million to combat underage smoking from 1998's Master Settlement Agreement with tobacco companies.

As a result, Ronald L. Turner of Ankeny, a 23-year veteran of the state patrol, has been hired as one of five tobacco enforcement agents for the state of Iowa. Turner will cover a total of 20 counties, including Story County. He will work with Story County police departments and the Story County Sheriff's Office.

Turner retired on December 7 and became interested in working for the division because he wanted to stay in law enforcement.

"My role is to support them in any way I can in tobacco enforcement," Turner said.

The enforcement program is part of the division's Iowa Pledge Program, which began in June 2000. The pledge's strategy is "to reduce the illegal sale and possession of tobacco products to and by minors," according to division documents.

The enforcement program aims to educate retailers on the laws regulating the sale of tobacco to minors, work with community partnerships in educating kids on possession laws and help law officials in conducting compliance checks, said Lynn Walding, division administrator.

The program is considered a locally based enforcement program. The tobacco agents will help with setting procedures and suggesting guidelines, Walding said

He emphasized that teens, retailers and law enforcement officials all have a role in encouraging a healthy lifestyle.

"Our goal is to ensure the retail community is in compliance with Iowa's tobacco laws and help kids make healthy lifestyle decisions," said Walding.

Six months ago, retailers began training via the Iowa Communications Network to learn more about Iowa's tobacco laws.

Participants included Hy-Vee, Kum-n-Go, Casey's, Fareway, Iowa Grocers Association, Petroleum Marketers and the Iowa Hospitality Association.

"Our program helps retailers become part of the solution," Walding said.

Retailers will be checked twice a year. One of Turner's initial responsibilities is finalizing compliance check contracts with police departments and the sheriff's office. Story County Sheriff Paul Fitzgerald has been in contact with Turner and he and Lt. Rick Rewerts plan to meet with him early next week.

The Ames Police Department will send its contract to the Ames City Council on Tuesday, Sgt. Mike Johns said.

The penalties for smoking by people 18 and under are a $50 fine and eight hours of community service for the first offense, a $100 fine and twelve hours of community service for the second offense, and for the third and subsequent offenses, a $250 fine and sixteen hours of community service. The use of a false or altered identification to purchase tobacco products results in a simple misdemeanor charge and a $100 fine, the division said.

Offenders are also required to watch an anti-smoking video targeted to young smokers and talk to a health official, Walding said.

Retail clerks will be charged with a simple misdemeanor and fined for selling tobacco products to minors. The first offense results in a fine of $100, the second $250, and the third and subsequent offenses, $500, the division said.

Retailers are fined $300 for the first offense. The second offense to occur within two years suspends their tobacco permit for 30 days.

The third offense within three years suspends the permit for 60 days. And the fourth offense within three years results in revocation of the permit, the division said.

Declines in Lung Cancer Rates—Surveillance, Epidemiology, and End Results Program and California Cancer Registry, California, 1988—1997.

Since 1988, per capita cigarette smoking rates in California have been declining more rapidly than the rest of the nation; the state is now seeing a more rapid decline in lung cancer.

A new CDC study shows that public health efforts, including a comprehensive tobacco control program, have resulted in a decline in lung and bronchial cancer rates in California. The study found that lung and bronchus cancer rates in California decreased by 14 %, while other selected and combined U.S. regions declined by only 2.7 percent. The rates among California women declined by 4.8 percent, whereas the incidence rates among women in other selected and combined regions increased by 13.2 percent between 1988 and 1997. In 1988, California became the first state to pass a voter's approved initiative to raise tobacco taxes and dedicate a portion of the revenue for a comprehensive tobacco use prevention program. Funding for this comprehensive program began in 1990, which further accelerated the decline that began in the late 1980's.

You Can Make the Difference!

The Ames City Council will be discussing a compromise ordinance for **SMOKE-FREE RESTAURANTS AND BARS** at the Council meeting on **Tuesday, January 23, 2001, 7:00 p.m.**

AND WE NEED YOUR HELP!!!

We need to help secure a healthy future for Ames.

Please contact the members of the Ames City Council and urge them to support a compromise **SMOKE-FREE RESTAURANT AND BAR ORDINANCE.**

And/or. . .

Come to the Ames City Hall, Council Chambers, 515 Clark Avenue, Tuesday, January 23, 2001, 7:00 p.m. to show your support.

Make Ames a healthier community.

YOU CAN MAKE A DIFFERENCE!

Judie Hoffman – At-Large
515-292-2660 (home)
3820 Quebec Street
Ames, IA 50014
judiehoffman@yahoo.com

Sharon Wirth – Ward 1
515-233-2415 (home)
803 Burnett Avenue
Ames, IA 50010
sharonwirth@yahoo.com

Ann Campbell – Ward 3
515-292-9464 (home)
428 Pearson Avenue
Ames, IA 50014
bobanncamp@aol.com

Russ Cross – At-Large
515-292-9645 (home)
2911 Charlotte, Apt. 106
Ames, IA 50014
rcrosswind@aol.com

Steve Goodhue – Ward 2
515-292-8351 (home)
3133 Maplewood Road
Ames, IA 50014
st.goodhue@isunet.net

Herman Quirmbach- Ward 4
515-292-8984 (home)
1002 Jarrett Circle
Ames, IA 50014
hcqbach@ames.net

Stand up for a Healthy Smoke-Free Ames

Brought to you by the Ames Tobacco Task Force

V:G.Belitsos/Tobacco Flyer/dc-m/010901

News article – The Tribune -- 01/24/01 – Ronna Lawless, Staff Writer [article abbreviated]

COUNCIL OKs DRAFT OF SMOKING ORDINANCE

The Ames City Council approved a draft of a compromise smoking ordinance Tuesday night.

After months of debate from people on both sides of the issue, the council used mediation to help reach a compromise on the proposed smoking ban. The Center for Creative Justice brought both sides together so that all concerns could be heard.

Serving on the compromise committee were John Klaus, the city's attorney; Mary Kitchell and Len Monte, representing the Tobacco Task Force; and Bob Cummings and Rich Johansen, representing the hospitality industry.

The result is a compromise ordinance that recognizes a variety of viewpoints, Mayor Ted Tedesco said.

The ordinance will become effective Aug 1.

The first official reading of the ordinance will occur on Feb. 13, when there will be an opportunity for public input. The council must go through three readings of an ordinance before it is adopted.

COMMENTARY

This was serious business. We were all very serious about making this thing work. However, we began to notice—well, if not agreement—at least an understanding that it was going to happen. It was with somewhat of a sense of relief that I addressed the City Council that evening as the ordinance was being considered.

"My name is Lenwood Monte. I live at 1422 Jefferson Street in Ames. I am a member of the Ames Tobacco Task Force, but I represent only myself, as a concerned citizen. [*You need to tell them who you are before you speak...*]

Mr. Mayor, Members of the Ames City Council, Ladies and Gentlemen,

I am here to thank you once again for your consideration of an ordinance to limit smoking in certain public places in Ames, at certain times, and according to certain circumstances. This public health issue is of extreme importance to all the citizens of Ames, whether they realize it or not.

I hope you'll forgive me, but this ordinance is rather like a mini-skirt, I believe. We've tugged and pulled it about as far as we can, to make it cover all the essential areas of concern. It is still far short of the coverage that some insist upon, but it's about as long as it's going to get, no matter how hard we may tug.

Some wanted it to be a floor-length gown and they are unhappy that it comes too short to suit all of their tastes and interests. That is simply not possible to achieve at the present time and so we respectfully disagree with them.

Others wanted no coverage at all. They said that it went against their freedom to have any coverage of any kind. That also is not good enough, and in my view at least, is immoral, unethical and just plain wrong in the light of the damage it can do to human beings.

The Tobacco Task Force, the Medical Community and perhaps most of our citizens wanted an ordinance that would be about knee-length. We, of course, did not get all of the coverage we had hoped for, either.

I hope you don't mind my using this analogy. I'd like to have it help explain that nobody is getting everything that they want from this ordinance. That, of course, is the essence of good compromise.

I also want to thank the representatives of the restaurant-bar owners, Bob Cummings and Rich Johansen, who came forward with this proposal—this compromise. Both of these men had other obligations to fulfill this evening. They agreed that I could offer their regrets for not being here, in order to present their agreement to this compromise ordinance. This is something that they and other restaurant owners can live with.

I have only one thing more. I would like to present to the Council, this packet of more than 400 names and addresses of concerned people who request that you put this ordinance into effect.

Thank you very much."

FEBRUARY—2001

Letter to the Editor – The Tribune – 02/05/01 – Marilyn G-W. MSW
"Support proposed ordinance"

The health of our citizens enhances life for everyone and reduces health care costs. I am writing to support the Ames Tobacco Task Force's efforts in taking a step toward a tobacco-free city.

I worked for the past six years for a hospital in Cedar Rapids as a wellness consultant and served on a Tobacco Free Coalition and am aware of the impact and cost smoking has on the lives of families, businesses and health care.

In my current work my goal is to see a reduction in the usage of tobacco and other substances and to reduce the impact they have on our youth, adults, schools and communities in the State of Iowa.

I grew up in Ames and have been away for almost 30 years. I moved back recently and was very happy to hear that Ames is serving as a leader in the State of Iowa in the concern for the health and well being of its citizens. Other Iowa communities can now utilize the template established by the Ames Tobacco Task Force.

The Ames City Council will hear public support and ideas concerning this proposed ordinance on Feb 13 at 7 p.m. at City Hall.

If you care about the health of Ames families, please come and show your support.

Together we can make a difference.

Letter to the Editor – The Tribune – 02/06/01 – Lenwood M.
"Smoking ordinance civility"

I commend Mayor Ted Tedesco for his State of the City address on Jan. 22 at the meeting of the noon Rotary. It was an excellent speech and his emphasis on the need for civility in our fair city was very much on target. Unfortunately, incivility is not difficult to find almost anywhere in America today. Or the world, for that matter.

In the "burning issue" of tobacco debate in Ames, there has sometimes been more heat than light expended in bringing this concern to the forefront for consideration. Since I have been somewhat in the vanguard in the endeavor to enact a smoke-free ordinance, perhaps it would be well for me to try once more to speak to the issue.

First of all, if there has been any true incivility from me, or from my fellow-members on the Tobacco Task Force, please let me apologize. I cannot speak for the opposition, but given the deep emotional impact of this concern, it may be small wonder that some have reacted with more vigor than they knew how to control. No one on the Task Force bears anyone any ill will—then, now or ever. We simply disagree that this is other than a health issue—and we are supremely confident that the ordinance will not cause financial disintegration for any business. In fact, with the great interest this matter has generated in Ames and other nearby communities, we are sure that Ames restaurants are slated for a significant increase in customers—those who enjoy smoke-free dining! We note that citizens of other communities have not hesitated to weigh in on the issue, despite the non-effect it will create in their cities.

Regardless of criticism from both pro and con sides of the issue, we are sure this compromise measure is about right. (Some believe it goes too far—others are opposed because it doesn't go far enough!) [*Note: Here I inserted my "mini-skirt analogy"—see previous page.*]

Smoke causes harm to life and limb of all who breathe it. Therefore, we believe this stance is an insufficient reason to deny the ordinance. In my view and in the view of most of our citizens, it is a matter not only of good health practices but also of ethical behavior, to care about the harm that comes to human beings from ETS (Environmental Tobacco Smoke.)

Nobody is getting everything they want from this ordinance. That is the essence of good compromise. It is in any case, a compromise brought forth by and agreed upon by members of the hospitality industry in Ames, the Tobacco Task Force, and the Ames Medical Community and set into legal language by John Klaus, City Attorney. It is uniquely an Ames ordinance for Ames citizens. If others wish to use it as a model for ordinances in their communities, we welcome them to do so.

The first of three readings of the proposed ordinance is slated for Feb. 13 at the meeting of the Ames City Council. Your support for this vital concern, and civil discussion about it, are earnestly solicited. Thank you.

COMMENTARY

I sincerely believe that the foregoing letter did not impress Dean H., in any kind of favorable manner. His reply was printed on Feb. 15.

Letter to the Editor – The Tribune – 02/15/01 – Dean H.
"Don't impose your will on others"

I have to admit that I am somewhat incensed by Lenwood Monte's letter to the editor. He seems to be speaking for a majority of Ames residents, but the credit for the letter is exclusively to Mr. Monte. Let's look at his points (?) in order:

1. "We are sure that the Ames restaurants are slated for a significant increase in customers." Where is your proof? Are you willing to back up your assertion with your own money?
2. "Freedom to Smoke"? If you truly care about ETS (Environmental Tobacco Smoke), DON'T GO THERE! How hard is that? If enough people truly share your views, the offending businesses will go out of business.
3. "In my view and in the view of most of our citizens…" Show me one document you have generated that provides a true poll regarding the intent of the Ames' populace (you surely don't speak for me and I find the implication insulting).

To my knowledge, you have no proof of this assertion and cannot provide it. [*That's why it is called "an assertion," Dean!*]

In essence, all you have shown is a desire to impose your will over other citizens. I am a non-smoker and I have a right to refuse to spend my time and money in businesses that cater to smokers. If I choose to frequent those businesses, I do so by my own choice. I would suggest that that you spend your own time and money creating an establishment that meets your goals so that you may reap the incredible (supposed) economic benefits that your letter describes. If you choose not to pursue that avenue, please do not continue to attempt to impose your own convictions upon other citizens who do not share your views.

COMMENTARY

Gee whiz, Dean! I'm sorry you feel that way. You almost hurt my feelings—poor me. However, after I realized you didn't actually have much of importance to say, I just erased your letter from my field of consciousness. Some of us are on a mission. It'll take more than a puny letter to thwart us in trying to accomplish the goal of better health for everyone—even for you, Dean. Sorry, ol' buddy. That's just the way this cookie crumbles.

News article – The Tribune -- 02/14/01 – Colleen R., Staff Writer [article abbreviated]

SMOKING BAN PASSES FIRST READING

The Ames City Council passed the first reading of the compromise smoking ban ordinance at Tuesday's meeting with no amendments. The proposed ordinance must pass two more readings before it becomes law.

Representatives from Youth Shelter Services and the Ames Tobacco task Force voiced their support of smoke-free establishments and provided statistics to show that restaurant and bar revenues had increased in cities such as Madison, WI, and Boulder, CO, after smoking ordinances were passed.

Several bar owners attended the meeting to voice their concerns. All agreed the "less than 10 percent exemption" should be increased.

Pete Sherman, owner of La Boheme Bistro, supported the increase in the percentage. *(to 15 %).*

Owners also asked how the ordinance affects bars that are separate from the restaurant, such as Café Northwest. The council said the bars would be affected by the ordinance and such a set-up would be considered one place.

As the council prepared to vote on the resolution, Councilmember Sharon Wirth proposed amending the 10 percent exemption to 15 percent. That motion was defeated. The council then voted unanimously to pass the first reading of the ordinance. The council will consider the ordinance again on Feb. 27 and March 6.

Agenda – Tobacco Task Force meeting – 02/23/01

Welcome, introductions, review agenda. Review efforts to broaden/increase membership
Approve minutes of Feb. 9
Discussion on outcome of Feb. 13 Council meeting and ordinance reading. Follow-up plan?
Begin preparation for ordinance second and third readings to be held Feb. 27 & Mar. 6
Preparation for April 3 Risky Business workshop
Update on WOI interview with Kathryn Perkins
How can the Task Force assist in promoting self-enforcement of tobacco ordinance?
Update on compliance of tobacco sales to minors
Progress report on recruiting group of youth and ISU students to eat out at smoke-free restaurants, deliver flowers and an attractive new sign—*Thanks for not smoking. We are a smoke-free restaurant. Your good health is important to us.* Schedule all on one night and have media coverage (The Tribune and ISU Daily)
Discussion of Communities of Excellence in Tobacco Control Planning and Guide
Plans to begin a coordinated tobacco cessation support group
Preparation for May 2 Teen Tobacco Summit
Update on implementation of new tobacco grants
Future meeting dates: Last Friday each month at 3:30 p.m. Mar. 30, Apr. 27, May 25, and June 29 at MGMC Board Room

[*Copies of Tobacco Task Force agendas are available for 2001-2002. If you believe you would find them helpful, you may ask for them at Youth Shelter Services in Ames, although you probably will develop agendas that fit your own circumstances more readily than using ours.*]

MARCH—2001

News article – The Tribune -- 03/02/01 – Colleen R., Staff Writer
"Ames police: Most stores following tobacco laws"

Ames had nearly 90 percent compliance with Iowa's tobacco laws during a police check.

The first round of compliance checks on 44 retailers was completed Thursday. Five retailers failed the checks—Char's, Cub Foods, Pammel Grocery, Kum-n-Go on Welch Avenue and Starlight Village Best Western Motel. Officer Chris Bozeman headed up the compliance survey.

Three 16-year-old high school students, acting as agents of the police department, purchased the tobacco.

I feel good that we were able to go to so many places and buy from so few," Capt. Rollie Link said. "Tobacco is sometimes seen as less of a concern than alcohol, but that's not true.

"I think there's a misconception that police officers are out to get stores," Link said. "Actually, we work on training and education with them all year long—it's a cooperative effort."

Link said if the police were able to buy a lot of tobacco, officers would have to look at the last year and ask themselves what they did wrong and how they could improve the training and education they provide to local retailers.

"This year, I think we can say to ourselves we did things right," Link said.

The next round of tobacco compliance checks will be completed in June.

"I hope we do even better," Link said.

News article – The Tribune -- 03/07/01 – David Grebe, Staff Writer

AMES SAYS OK TO FIRST SMOKING BAN IN IOWA

The long debate about a partial smoking ban in restaurants, bars and other public places finally has been stubbed out.

A partial ban on smoking was passed unanimously Tuesday night be the Ames City Council.

"This is the first time any city in Iowa has passed an anti-smoking ordinance," said George Belitsos, co-chairman of the city's tobacco task force.

Belitsos and other proponents of the ban cited health risks that accompany second-hand smoke.

The proposal adopted Tuesday was less strict than one first proposed last year but still drew criticism from some area businessmen.

Rick Carmer, the owner of Wallaby's and Dublin Bay restaurants, said the partial ban was "a wishy-washy compromise."

Carmer said he was concerned that Ames was the only city in Iowa with such a policy, possibly putting it at a competitive disadvantage. But Carmer said area businesses would survive the bill's effects.

The ban will go into effect Aug. 1. Mayor Ted Tedesco said he would sign the measure this morning. "It's going to be interesting to see how enforcement works out," Carmer said.

Letter to the Editor – The Tribune – 03/29/01 – George B. & Andrew G., Co-chairs of Ames Tobacco Tobacco Task Force.

"Thanks from the tobacco task force"

The 25 member Ames Tobacco Task Force thanks the members of the Ames City Council for adopting the new smoking ordinance to go into effect Aug. 1.

The unanimous vote in favor of the compromise ordinance, is a reflection of the council's belief that second-hand smoke is a significant public health issue. We are very proud that Ames is the first city in Iowa to adopt a smoking ban ordinance. We will soon join over 800 other cities nationwide that already have smoking ordinances.

It is understandable that some disagreement has surfaced among the anti-smoking organizations who say that the compromise smoking ban does not go far enough. The Ames ordinance was formed, after all, as a result of compromise between supporters of the ban, including local groups such as the Ames Tobacco Task Force, and members of the Ames hospitality industry.

The Ames Tobacco Task Force believes that the ban is probably the best solution the citizens of Ames could come up with at the present time. Since the issue involves the health of Ames citizens and the ordinance was being viewed as a local solution, the grassroots effort to create this ban received substantial support and input from local health organizations and hundreds of concerned citizens.

On the other hand, state and national organizations such as the American Cancer Society were less concerned with finding a local solution. Their aim, understandably, is to seek a solution which deals with the problem statewide or nationwide. Therein lies the difference of opinion which has surfaced.

Of course, it would have been ideal if a total ban on smoking in public places could have been achieved all at once, but practical, workable solutions are often a result of incremental compromise. Such is the case with the Ames ordinance.

Supporters of the ban will continue to work for a more inclusive ordinance in the future. In the meantime, we will work hard to promote self-enforcement and the successful implementation of the ordinance.

Agenda – Tobacco Task Force meeting – 03/30/01

Welcome, introductions, review agenda—approve meeting minutes of Feb 23
Review updated membership list and make corrections as necessary
Successful outcome of second and third readings at Feb. 27 & Mar. 6 City Council meetings and passage of ordinance. Review signed ordinance.
Discuss proposal for a press conference to thank City Council and to promote education on the ordinance and self-enforcement. Review Letter to the Editor (thank you letter) and to Council
Discuss impact of Cancer Society media campaign to discredit Ames ordinance. Our response?
[*Not essential—Cancer Society no longer actively campaigning against the Ames ordinance.*]
Final preparation for Ames Tobacco Task Force workshop at Apr. 3 Risky Business Conference.
Discuss idea of an Ames Tobacco Task Force website.
Update on compliance of tobacco sales to minors.
Discussion of Communities of Excellence in Tobacco Planning and Guide.
May 24 Smoking Ban Education in Iowa City.
Plans for Mayo Smoking Cessation Training of Trainers April 30
Preparation for May 2 Teen Tobacco Summit.
Update on implementation of new tobacco grants.
Future meeting dates: Last Friday of each month at 3:30 p.m.

Cost of smoking at one to three packs per day if this money were invested at 5% interest and compounded quarterly.

Carton cost of Marlboros at Kum+Go, 24-Feb-01

$24.03 × 1.06 = $25.47
(6% sales tax)

1 pkg/day: $2.55/day × 91.25 days/quarter = $232.43/quarter

years of smoking	1 pkg/day	1 carton/week	2 pkg/day	3 pkg/day
1	$ 947	$ 1,353	$ 1,895	$ 2,842
10	11,968	17,097	23,935	35,903
20	31,638	45,197	63,276	94,914
30	63,969	91,384	127,938	191,906
50	204,449	292,070	408,897	613,346
60	348,004	497,148	696,007	1,044,011
	$ 2.55/day	$ 3.64	$ 5.09	$ 7.64
	232.43/quarter	332.04	464.86	697.29

$$S = P\,\frac{(1+i)^n - 1}{i}$$

S is the sum for n periodic payments with interest rate i per period.

APRIL, MAY, JUNE—2001

COMMENTARY

The second quarter of 2001 was largely a time of waiting for the final implementation of the Ames ordinance. The Tobacco Task Force continued to meet, of course, and we continued gathering materials and distributing no-smoking materials. Interest in what would happen on August 1 had not waned at all—in fact—it had undoubtedly intensified. Would the hospitality industry raise a hue and cry? Would the affected businesses find some way to resist the implementation of the ordinance? How effective would enforcement be? Many questions loomed large during the time we waited for the effective date.

We were fairly confident there would be a "test" of the ordinance in court. The ATTF hadn't a clue when it would come, of course, nor did we know who would bring the suit. Nor did we have any clue about the outcome. For the moment there was just the waiting and the watching and the wariness.

Chamber of Commerce Spring Newsletter to its members (May, 2001)
"Input needed for smoking ordinance signage"

Free signs! Free table tents! Free communications assistance!

Restaurant owners and managers are invited to the Ames Chamber office for a meeting at 8 a.m. on Wednesday, May 9, to begin preparing for the new Ames Smoking Ban Ordinance. This meeting is being convened to give direction from the business community to HOMEWARD public health coordinators who have received a grant from the Center for Disease Control to provide signage to local business and create smoking cessation classes and support.

Input is needed from the businesses involved on the types and kids of signs, decals, table tents or menu inserts that might be helpful in informing customers of the new clean air hours. The grant will provide the necessary communications materials at no cost to the business to prepare and complete the August 1 ordinance implementation.

If you would like to attend, please contact the Chamber Office at 232-2310. If you would like more information about the opportunities provided by the grant, feel free to contact Ann P., HOMEWARD public health supervisor, at 233-7570.

News article – The Tribune – 05/05/01 – Rebecca A., Business Writer [article abbreviated]
"Group to help fund smoking ban signage"

As Ames businesses prepare to begin the city partial ban on smoking, a local health organization has set aside money to help restaurant owners pay the cost of informing customers of the new law.

Homeward will spend $5,000 for signs, decals, table tents, or menu inserts restaurant owners can use to describe the ordinance that goes into effect on Aug.1.

Homeward's contribution comes from a $25,000 grant received from the Centers of Disease Control and Prevention earmarked for smoking cessation programs. It's being donated to businesses as community support, said Ann Peterson, Homeward's public health supervisor. Homeward is not aligned with the anti-smoking alliance that pushed for the ordinance, she said.

The goal [of the meeting] is to talk about the future, said Linda Muston, vice President of community services at Mary Greeley Medical Center. "This is strictly a time not to talk about the ordinance but to focus on what help can be given to (restaurant owners)," Muston said. "This is a positive step."

New Ames City Ordinance

Smoke Free Dining

Effective August 1, 2001

- Smoking will not be allowed in restaurants from 6 a.m. to 8:30 p.m., but will be allowed in designated smoking sections from 8:30 p.m. to 6 a.m.
- Outdoor seating areas are subject to same rules as indoor areas in restaurants.
- No smoking allowed within 15 feet of the entrances and exits.

Supported by Iowa Tobacco Control Program/Centers for Disease Control and Prevention

If you see someone smoking illegally...

1 Tell your waiter or waitress. Do not try on your own to persuade the smoker to stop smoking. An employee of the restaurant should approach the smoker and ask them to quit.

2 If your waiter or waitress does nothing to stop the customer from smoking, inform the manager. If the manager also does not deal effectively with the smoker, call the Ames police at 239-5133.

3 File a complaint with the police about the smoker and about the restaurant if the manager didn't take care of the problem. You might also want to file a complaint with the restaurant.

Thank you for your cooperation!

Visit the Ames City Website at www.ames.ia.us if you have any questions

COMMENTARY

The owner of a bistro in Ames wrote a super-long diatribe to the editor of The Tribune on June 21, 2001. If you need or want a copy of it, please send a request for it—we'll be glad to supply it, but it's too long and involved to quote here *(approximately two pages.)*

Basically, it included the author's assertion that his is a PRIVATE *(The emphasis is his)* business. "If I choose to allow one person to smoke and to forbid another, that is my right," he said. Further he disputed the results of every study that indicates secondhand smoke is harmful to humans. Beyond that, he appealed to the U.S Constitution and asserted that the ban subverts "the very foundation this country is based on."

It was imperative that someone from the ATTF answer his letter to the editor. So, I did.

Letter to the Editor – The Tribune – 06/21/01 – Lenwood M.
"Not OK to twist truth into pretzel"

Peter S. wrote an absolutely astonishing letter to the editor in the June 21 Tribune. I enjoyed reading it because he is very articulate *(well, wordy, anyway)*. Unfortunately, he is on the wrong side of the issue at this point (or at any point, most likely.) We no longer have to settle the issue of whether the "smoke-free" ordinance is right or wrong for Ames. The City Council did that when it passed the ordinance. They said it was right for our city. I agree that it is right, as do thousands and thousands of other Ames citizens.

The ordinance takes effect on Aug. 1. Smoking in Ames' restaurants will not be allowed between 6:00 a.m. and 8:30 p.m. (See ordinance for additional rulings.)

However, we apparently need to rehash some of the facts, because the truth is being distorted again by an opponent of the new law. Didn't the "Autocrat of the Breakfast Table" (Oliver Wendell Holmes) speak about "your truth, my truth and THE truth?" Let us not do a disservice to THE truth just so we can stress our truth. (We possibly might be prejudiced?) It is not okay to twist the truth into a pretzel.

Statistical evidence is overwhelming to show that ETS (Environmental Tobacco Smoke) is deadly. Of course there are "lies, damned lies and statistics." [*Peter S' reference at one point.*] As a 35-year veteran of stupidity in being a smoker—and now a cancer survivor following the stupid years—I don't have to depend on lies, damned lies or statistics. My doctor told me, "Quit or die." I often panic when I enter a smoke-filled room. I am totally allergic to the blamed stuff now! Beyond that, it stinks. It really stinks.

It is undeniable that tobacco smoke is full of carcinogens. Carcinogens are always carcinogens—and they inhabit tobacco smoke. That is absolutely true. Please do not insult anyone's intelligence by insisting that ETS is harmless. It is not. It is deadly.

This is a public health issue. It is not a liberty issue or a "rights" issue. "My" truth tells me that when a business invites (nay, urges) customers to patronize the business, it is no longer a truly "private" business. By definition, it is a public business, subject to all of the rules society has set up for providing that service to the public.

Business owners cannot sell liquor at any old time, in any old way, to any person, just because they choose to do it that way. There are rules to follow. Another may want to sell meat that has been left out of the refrigerator overnight, but that's a no-no. New laws are just now coming into being about how you can cook eggs and how hard the yolk must be before it can be served to a customer. These rules are in place because it is not truly a "private" business when you deal with the public.

Now we have a law that sets some limits on smoking in restaurants. Why is someone trying to trash the law now? Most people hate and despise tobacco smoke. They'll thank you for your support and caring about their health and well being.

Ames is a great town! It's a real leader in the state and perhaps even in the nation. It's a lot more fun to be the engine than the caboose—and this "smoke free" phenomenon is only in its infancy in our country. Just wait and see.

And THAT'S the truth!

News article – The Tribune -- 06/26/01 – Kati J., Staff Writer [article abbreviated]
"Several Ames businesses not following tobacco laws"

Several Ames businesses are not following state tobacco laws, police said Wednesday.

Sgt. Mike Johns of the Ames Police Department said Ames has more than 60 tobacco retailers. All have been checked at least twice in the past year to see if they are selling to underage smokers. At least 13 businesses have been cited.

Johns said the department signed a yearlong agreement with the State of Iowa's Tobacco Enforcement Bureau in January. The contract asked the department to survey each of the town's tobacco licenses twice between June 30, 2000 and July 1, 2001

Johns said an underage person was sent into the establishments with electronic monitoring devices. The person was asked to purchase tobacco without an ID.

Johns said a clerk who sells tobacco or alcohol to a minor is cited and the store is notified of the citation by the police.

Fines for selling tobacco to a minor are $145; alcohol is $665.

[A certain] clerk working the day of the survey was new. He has since been fired.

"We're pretty good at checking ID's" [the owner] said. "In our area, you pretty much check every single ID unless they look over 30."

Agenda – 06/29/01 – Ames Tobacco Task Force meet

Welcome, introductions and review agenda—approve minutes previous meeting
Outcome of public school health fairs and June 21 Teen Tobacco Summit
Report from Smoking Cessation Subcommittee. Next step in offering cessation to the public?
Presentation to physicians at Grand Rounds
Review new smoking ordinance signs to be distributed to restaurants in July. CDC providing $5,000 for signs. Entryway signs to call attention to 15-ft. rule.
Report on outcome of June 1 meeting with acting Chief of Police, City Manager, and City Attorney to discuss our role in implementation of new ordinance
Suggestions from City Staff:

Design easy to understand information about the ordinance and dissemination to public and especially out-of-town visitors. Work with Convention and Visitors Bureau.

Publish instructions on what to do if you are at a restaurant and see someone violating the ordinance: 1. Inform management 2. Call police file a complaint (affidavit available)

Publish easy to understand suggestions for wait staff and maitre d. Give them statement to give to patron who smokes.

-Selected Quote-

"Freedom is alone the unoriginated birthright of man; it belongs to him by force of his humanity, and is in dependence on the will and coaction of every other, in so far as this consists with every other person's freedom." *Kant*

JULY—2001

WHAT KIND OF ENFORCEMENT WILL THIS REQUIRE?

News article – The Tribune -- 07/05/01 – David G., Staff Writer [article abbreviated]
"Tobacco Task Force prepares for ordinance"

The Ames Tobacco Task Force is using grant money to educate restaurant owners and workers as well as the public to ensure a smooth transition to the August implementation of citywide smoking restrictions.

The city of Ames is focusing its efforts on public forums and training police to enforce the smoking ban.

"We expect people to cooperate with it," said George Belitsos, co-chairman of the anti-tobacco group.

The city will sponsor an education meeting for business owners July 19 at 7 p.m. in Council Chambers at City Hall, Assistant City Manager Bob Kindred said. "We passed the law, now it is up to us to carry it out," Kindred said.

News article – The Tribune -- 07/07/01 – Kati J., Staff Writer [article abbreviated]
"Ames police prepare to enforce smoking ban."

Ames police say they will respond only to complaints when the citywide smoking ban goes into effect next month.

"I don't know how proactive we'll be for actually going out and looking for (illegal smokers)," said Acting Police Chief Terry Bird. "It'll be interesting to see how this works out."

"I hope some of them [restaurants] at least do some self-policing. I think they will, to a certain extent," said Bird about business owners and managers. "If there is mass non-compliance, we might have to set up" a team of officers to combat illegal smoking.

City Attorney John Klaus said he has been meeting with officers during their shift changes to make sure they understand the ordinance. He said copies of the ordinance as well as potential questions and answers have been distributed.

Sgt. Mike Brendan of the Ames Police Department said, "This ban is new to us, the public, folks from out of town. It's going to take a while for everyone to know what an issue this is."

News article – The Tribune -- 07/07/01 – David G., Staff Writer [article abbreviated]
"Ames Tobacco Task Force aims to inform"

Informing the public about Ames' new anti-smoking law is a high priority for the Ames Tobacco Task Force.

The group is advising citizens about what to do if they see someone smoking where or when they shouldn't.

1. Tell the waiter or waitress. It's best for the employee of the restaurant to ask someone to stop smoking.
2. If the waiter or waitress does nothing, inform the manager. If the manager does nothing, or the smoker refuses to stop, you have the option of calling the Ames Police at 239-5133.
3. A written complaint can be filed with the police. (See copy—Page 82)

We're available to do speaking engagements to all service organizations or groups (wanting to know about the ordinance)," Belitsos said. He also said the group hopes to offer cessation programs to the public.

Letter to the Editor – The Tribune – 07/13/01 – Dr. Thomas K., Rochester, MN
"Evidence clear though air isn't"

A recent letter to the editor opposing smoke-free air in bars and restaurants (Tribune June 21) declared that "not a single study has found an increased risk due to exposure in bars and restaurants." This statement is false.

In 1993, Siegel (JAMA 1993; 270(4):490-3) reported on six studies that compared the relative lung cancer risk for food-service workers with that for the general population. The evidence suggested that a 50 percent increase in lung cancer risk among food service workers that is in part attributable to tobacco smoke exposure in the workplace.

In 1998, Eisner and his colleagues (JAMA 1998; 280(22):1909-14) examined the respiratory health of bartenders before and after legislative prohibition of smoking in all bars and taverns by the State of California. Seventy-four percent of a random sample of bartenders initially reported respiratory symptoms. Of those symptomatic at baseline, 59 percent no longer had symptoms at follow-up. Complete cessation of workplace second hand tobacco smoke exposure was associated with improved lung function.

In contrast to statements by individuals who oppose clean air in Ames restaurants and bars, there is very clear evidence that tobacco smoke harms the individuals who work there.

COMMENTARY

From the above letter, written by a doctor in Rochester, MN, it surely ought to be understood by everyone that secondhand smoke is life threatening. Those who deny this fact are simply trying to feed us a line of malarkey.

Letter to the Editor – The Tribune – 07/19/01 – Melissa A.
"Smoking ban is welcome change"

The smoking ban in Ames will be a welcome change. It's about time the state of Iowa caught up with the rest of the United States. Numerous cities in numerous states have eliminated smoking in restaurants and in workplaces. It's not a question of constitutionality but of health.

In Colorado, bars in the Aspen and Telluride have voluntarily gone smoke-free. Business is not hurt by implementation of this ordinance. I am fairly positive that Aspen and Telluride play host to more tourists than the city of Ames.

When tourists come to Ames, they will see there aren't any ashtrays on the table and they won't smoke! It's really that simple. Unless the citizens of Ames are lawless individuals there shouldn't be a problem enforcing this ordinance.

Instead of worrying about the potential negative effects of becoming smoke-free, the citizens of Ames should rejoice in the fact that they are taking an active, positive and progressive step in the state of Iowa.

I, for one, will be very happy to finally be able to eat out wherever I choose instead of choosing my restaurants based on their smoking policies.

COMMENTARY

Thank you, Melissa. Based on a year of experience under this ordinance, we are able to confirm that you were exactly right. Enforcement has not been the problem we expected that it might be.

New Ames City Ordinance

Smoke Free Dining

Effective August 1, 2001

- Smoking will not be allowed in restaurants from 6 a.m. to 8:30 p.m., but will be allowed in designated smoking sections from 8:30 p.m. to 6 a.m. Children under the age of 18 may not be seated in a smoking section.
- Outdoor seating areas are subject to same rules as indoor areas in restaurants.
- No smoking allowed within 15 feet of the entrances and exits.

The Ames Smoke Free Ordinance

The smoking ordinance passed by the City of Ames is designed to create healthier environments inside and around restaurants, bowling alleys, hotels and motels for both patrons and employees. Although many people will follow the ordinance and appreciate cleaner air, others might not know about the ordinance or choose to ignore it and smoke anyway. *Because restaurants in Ames will be held responsible to keep their buildings smoke-free, employees must be able to deal effectively with patrons who smoke illegally in their buildings.*

Penalty

Businesses caught violating major sections of the ordinance may be fined $500 the first time, and $750 for each additional time.

Any person caught smoking in violation of the ordinance may be fined $25.

In order for the smoking ordinance to work, *all employees* need to be ready to enforce it. If you see a patron smoking between 6 a.m. and 8:30 p.m., you should approach the smoker immediately and ask him or her to stop. Be polite, but firm, and remember that they may be a visitor to Ames who is not familiar with the ordinance. Say, for example:

> "Excuse me, but I'll have to ask you to put your cigarette out. According to the smoking ordinance in Ames, smoking is not allowed here at this time, and if you continue to smoke you may be fined $25. I'm sorry for the inconvenience."

The customer should immediately put out his or her cigarette, but if he or she doesn't, you need to talk to your manager. The manager should handle the problem, but if the customer continues to smoke, call the police at 239-5133. You may have to ask the smoker to leave the restaurant (at least 15 feet away from the entrance) if they refuse to quite smoking. If the smoker or anyone else would like more information about the smoking ordinance, tell them to visit the Ames City Website at www.ames.ia.us.

After 8:30 p.m., patrons may smoke in a designated smoking area, but children under the age of 18 may not be seated in that area. If a patron requests the smoking area, but wants a child under the age of 18 to sit with him or her, you must seat them in the non-smoking area. Say:

> "I'm sorry, but I'm not allowed to seat you in the smoking section because you're with a person under the age of 18. According to the Ames smoking ordinance, no one under the age of 18 can sit in a designated smoking area."

Remember that the smoking ordinance is for the advantage of the community and that even if a customer gets upset, many others will enjoy a clean environment where they can eat without worrying about secondhand smoke.

Supported by Iowa Tobacco Control Program/Centers for Disease Control and Prevention

Visit the Ames City Website at www.ames.ia.us if you have any questions.

AMES TOBACCO TASK FORCE

PO Box 1628, Ames, IA 50010

Co-chairs:

George Belitsos

Youth and Shelter Services, Inc.

515-233-3141

gbelitsos@yss.ames.ia.us

Andrew Goedeken

Ames Mayors Youth Committee

Iowa Tobacco Use Prevention and Control Commission

515-233-5391

AMGofAmes@aol.com

Honorary Chair:

Michael Gartner

1997 Pulitzer Prize and owner of Iowa Cubs

Mission Statement

Smoke free public places and a five percent reduction in teen tobacco use by 2005.

TO: Friends of Tobacco Free Public Places

FROM: George Belitsos, Co-Chair
Ames Tobacco Task Force

RE: August 1 startup of secondhand smoke ordinance

DATE: July 20, 2001

This memo is being sent to all those who have either written letters to the editor or returned interest cards regarding an Ames ban on secondhand smoke. We thank you for supporting our public health mission. Collectively, we have charted a new course that will lead to a first major step in the reduction in public exposure to environmental smoke. Although our goal is to totally eliminate smoking from all public places, we feel that the new ordinance is a good starting point.

We are at a critical juncture and are calling on you for additional help. The new compromise ordinance goes into effect August 1. On that day, Ames becomes the first city in Iowa to enforce a secondhand smoking ordinance. Successful implementation depends on public cooperation and self-enforcement.

We request your help over the next few weeks by taking one or all of the following actions:

1. Attend our rally on Wednesday, July 25, at 1:30 p.m. at City Council Chambers. Attorney General Tom Miller will be on hand to help us celebrate the startup of Iowa's first city smoking ordinance.
2. When you go out to eat and you observe someone violating the ordinance, please take steps as listed on the attached flyer.
3. Donations will help us with a newspaper and radio ad campaign to inform the public about the ordinance. Your gift will be appreciated.
4. Write another letter to the editor supporting the compromise ordinance and underscoring the importance to public health. Personalizing your letter with examples is very helpful. Send your letter to both the Ames Tribune at 317 5th Street, Ames, IA 50010 and the ISU Daily at 108 Hamilton Hall, Iowa State University, Ames, IA 50014.
5. Join the Ames Tobacco Task Force and attend one or more of our meetings 3:30 to 5:00 p.m. the last Friday of each month at the Board Room of Mary Greeley Medical Center. Our next meeting is July 27.
6. Please pass this memo on to others who support our mission.

Please call or e-mail us with any questions or advice.

V:Comm/Tobacco Task Force/Memo072001/kd

Ames Police Dept.

IN THE IOWA DISTRICT COURT IN AND FOR ________ STORY ________ COUNTY

THE STATE OF IOWA

THE CITY / COUNTY OF ____________________

vs.

____

Before Magistrate ____________________

Criminal Number ____________________

COMPLAINT AND AFFIDAVIT

The defendant is accused of the crime of ____________________

____________________ in violation of Section

__________ of the Iowa Criminal Code / ____________________ in that the defendant

on or about the __________ day of ____________________ , 19 _____ , (at approximately _______ o'clock

_______ . M.), at ____________________
(location as definitely as known)

in ____________________ County, did ____________________

____

THEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release where applicable.

(1) be arrested or that other lawful steps be taken to obtain Defendants appearance in court; or

(2) be detained, if already in custody, pending further proceedings;

and that said Defendant otherwise be dealt with according to law.

Complainant ____________________
Signature of Complainant

STATE OF IOWA, County of ______ Story ______ ss.,

AFFIDAVIT

I, the undersigned, being duly sworn, state that the following facts known by me or told to me by other reliable persons form the basis for my belief that the Defendant committed this crime.

____
Signature of Affiant

Subscribed and sworn to before me by the person(s) signing this Complaint (and affidavit(s)) on this the __________ day of ____________________ , 19 _____ .

____
Signature of Notary

Complaint and affidavit(s) filed and probable cause found that the defendant committed the offense charged.

____
Magistrate

KOCH BROTHERS, DES MOINES FORM KB 601 C-096-A 2528A

WHITE COURT, YELLOW PROSECUTOR, PINK DEFENDANT

Agenda – ATTF – 07/20/01 [condensed]

Welcome, introductions, review agenda—approve minutes of June 29

Outcome of July 19 meeting with restaurants and bars hosted by City of Ames

Review brochure to promote restaurants that are 100% smoke-free

Update on distribution of new smoking ordinance signs to restaurants. Review signs for bars, table tents. Entryway signs to call attention to 15-ft. rule.

Review ordinance public education efforts:

- Review easy to understand info about ordinance—what to do if someone is smoking
- Outcome of July 11 meeting with Convention & Visitors Bureau
- Easy to understand suggestions for wait staff and maitre d.
- Progress report on Task Force efforts to publish materials on City website.
- Educational presentations before all major service clubs
    - Kiwanis (several); Rotary (several); League of Women Voters; Others?
- Presentations to ISU students, booth at Welcome Fest, *ISU Daily*, New Student Days, help from Student Health Advisory Committee, table tents in dining areas.
- Letters to the Editor—The Tribune
- Outreach to restaurant and bar owners with educational material video from Mayo Clinic. Encourage removing ashtrays. Encourage going completely smoke-free.
- Church bulletins—Newspaper ads

Report on final plans for press conference and Ordinance Rally, Wednesday July 25 at 1:30p.m., to celebrate the Aug. 1 start-up of the new ordinance.

- Co-sponsorship by City? Videotape for local cable
- Attorney General Tom Miller, Senator Johnie Hammond to speak
- Review press release and proposed program outline
- Certificates of recognition.
- Transport youth from JEL (Just Eliminate Lies) Summit July 24-26 to be held in Ames
- Everyone wearing "Tobacco Kills People" tee shirts. Awards and recognition of those who helped to pass ordinance and entire City Council.
- Get Lung Association buttons from no smoking.org website
- Chalk marks on parking lot
- Background behind podium
- Other ideas?

Report from Smoking Cessation Subcommittee. Who will present information on options for cessation during July 25 event? Presentation to physicians at Grand Rounds. Contact with Dr. David Carlyle

Progress report from Ordinance Research Committee. Goal to study the impact and outcome of the implementation of the ordinance.

Update on Boone ordinance

COMMENTARY

There are many items for you to consider in the above agenda. It is included here as a guide—a memo to help you plan your own "program." We are sure that each community will develop its own program to reach its goals. These items are listed here as possibilities for inclusion in your program, if they fit. The tee-shirt idea worked very well for us. White tee shirts with "Tobacco Kills People" emblazoned in red across the front. Makes an impact.

It is important to enlist the support of people in the community and from the area—people who are known and unknown. It doesn't hurt your cause to have a number of VIP's (such as the Attorney General, the Medical community—and yes—even politicians (*just kidding!*)—expressing an interest and taking a stand for this cause. We are grateful for ALL who gave time, talent and funds to achieve the enactment of this ordinance.

Letter to the Editor – The Tribune – 07/23/01 – Charles W.
"Tyranny dances with the devil"

I do not understand how an educated man such as George Belitsos can state that Aug. 1 will be a day of "freedom" in Ames!

Freedom is defined in Webster's dictionary as: "the state, or quality of being free; exemption or liberation from the control of some arbitrary power; liberty; independence" and "exemption from arbitrary restrictions on a specified civil right; civil or political liberty," and "being able to choose or determine action freely."

The anti-smoking ordinance is governmental tyranny far worse then the acts that led to the revolution that formed this nation. *(Oh—for goodness sake, Charles!)* Our forefathers are rolling in their graves as individual "freedoms" are trampled by the very government that they shed their blood and died to create!

On Aug. 1, the belle of freedom will not waltz, but watch instead as tyranny dances with the devil at the ball! Freedom, sir? I think not!

COMMENTARY

Charles may have gotten a bit carried away with his rhetoric—but that's okay. We understand. Mainly what he forgot is that ***his*** freedom ends at the very tip of ***my*** nose. After all, he never was "free" to assault me or anyone else with a substance he could not control—smoke! That's what laws are for and the reason why we have them—to keep freedoms equal. I promise never to assault ***him*** with smoke if he'll do the same for me.

The ATTF wanted to defuse some of the tension as we approached the date of the ordinance becoming law. I wrote a letter to the editor.

Letter to the Editor – The Tribune – 07/25/01 – Lenwood M.
"Lighten up rather than light up"

At one time, I was a dedicated smoker (until I got my cancer!) Now I am a dedicated non-smoker (really dedicated!). On behalf of all the dedicated smokers and all the dedicated non-smokers in Ames, let me offer a word of thanks to The Tribune.

Since the effort to pass a limited smoking ban in Ames began, you were willing to publish letters all the way from the most timorous to the virulently strident. Thank you! And thanks to your staff, both pro and con.

The ordinance takes effect on Aug. 1. Perhaps the tone of both sides should now simmer down. All the hysterical rhetoric in the world will not make Ames a better place to live. It will not help anyone's cause, either.

For my part, I guess that I am just grateful that now I'll be able to eat in whatever Ames restaurant I choose without fear of being assaulted with tobacco smoke. That truly will be a blessing to me and thousands of other citizens who fear, despise (and are allergic to) tobacco smoke.

It will make our meal taste better, too, and we'll eat out more often. It might even draw in a bunch of diners from Boone, Kelley, Nevada, and Story City, who prefer clean air with their meals.

Some have asked about enforcement of the ordinance. I believe that it will not be a significant problem. Most people (in their heart of hearts) know that it is not mannerly to disturb or harm others. This is mainly, in my estimation, a matter of good manners.

When I was just a kid, Hank Stelter hung a sign over the backbar of his "beer only" tavern in southern Wisconsin. It stated, "Gentlemen will behave. Others must!" (Made a few of his customers mad, too!) Most folks behave pretty well in public and that's what we expect to happen.

In reality, what non-smokers are asking of smokers is that they simply delay lighting up for a few minutes, at least until we are out of range. No one is being required to quit smoking. We understand that many are truly addicted. (I KNOW the feeling!) If anyone is constrained to give copious quantities of money to the tobacco companies, it's OK, or at least legal. I burned up enough to have bought a new Cadillac when I was young and addicted!

So, Mr. Editor, perhaps what is required now is that people "lighten up" rather than "light up"—at least for a few minutes at mealtime. It will give our young men and women who wait on us a chance to breathe easy in the workplace, give our children a model of good manners and make Ames an even better place to live than the excellent place it is now.

Again, sir, thank you for the part you played in this concern. Your evenhandedness is most appreciated.

News article – The Tribune -- 07/31/01 – David G., Staff Writer
"Mixed reaction to imminent smoking ban"

Carlos O'Kelley's Mexican restaurant will respond to the city's imminent smoking ban by going completely smoke-free on Wednesday.

"We have a lot of people who say they want a smoking ban," said Joellen Shirley, the restaurant's hospitality supervisor. And a problem with trying to establish a smoking section at Carlos O'Kelly's, she said, is that the bar is in the middle of the restaurant—spreading the smoke throughout.

Shirley did say that the restaurant could lose some bar traffic, but felt the impact would be positive overall.

At Applebee's on South Duff Avenue, the smoking section will be eliminated completely, but patrons will be able to smoke at the bar—after 8:30 p.m.

"I don't see any problems (with compliance) with it," said Justin Reinert, the store's manager.

At Lucullan's, manager Sam Miller said the restaurant will comply with the ordinance for now, but may go completely smoke-free in the future.

The downtown restaurant closes at 9:00 p.m., he said, so it may prove difficult to have a smoking section for just half an hour.

Restaurants that already prohibit smoking—from McDonald's to Café Diem—have posted no smoking signs on their premises. One reason is because the ordinance prohibits smoking in outdoor seating areas and within 15 feet of entrances and exits.

But, "they still have another day," Andi Nelson, the manager of Café Diem, said this morning.

Signs announcing the new ordinance were posted at Perkins Monday afternoon, but management refused to comment.

The ordinance has some restaurant employees upset. Rob, an assistant manager at Ruttles who refused to give his last name, said the policy will require staff who smoke to go outside and 15 feet away from the building's entrance to light up.

He said company officials were to decide today whether Ruttles would go completely smoke-free

Staff at many bars—such as the Corner Pocket and the Tip Top Lounge—said their businesses won't be affected because they make less than 10 percent of their revenues from food sales. As of now, establishments that apply for an exemption must file an affidavit.

"That is proof in our mind," said city attorney John Klaus, "If someone points to situations that are patently incorrect, it would go back to the city council to remedy the situation."

Another issue some have raised was whether motorists could smoke while going through a restaurant's drive-thru. Klaus said he didn't think a drive-thru window counted as an entrance to the restaurant.

"There are a lot of questions people will have; it will be an education process for everyone," Klaus said.

Not every restaurant owner was pleased by the compromise decision to restrict smoking in restaurants. Alp Basarik, manager of Café Northwest, said he thought it was inappropriate for the just five people (the City Council) to make these types of decisions for the entire community.

"Almost all my customers didn't want it," he said. "It's a free country, everybody should be able to do what they want."

Basarik said he'll abide by the new ordinance, and that's something that will at least please many anti-smoking customers.

Basarik said he might lose some early-evening business as most smokers are likely to come after 8:30 p.m., but added he understood the concerns of many families in town.

"I don't want kids in smoking sections even though I'm a smoker," he said.

Letter to the Editor – The Tribune – 07/31/01 – Ashley S.
"JEL hits it on the head"

For three days (last week) I have been involved in a group called JEL—Just Eliminate Lies.

During these three days I have learned how JEL has been marketing the truth about tobacco through television, radio and billboards. Also, JEL told us the truth about tobacco and how they have been marketing to teens for over 30 years. [*Yeah, Ashley—a lot longer than that!*]

Did you know that they have said "we don't smoke it, we reserve that right to the young, the black and the stupid." They don't care about us, but again they say that we are tomorrow's customers. They have been keeping all this information behind closed doors for more than 30 years. Think of that—30 years. [*In my case Ashley—more than 60 years!*]

I also have learned about how hard JEL is trying to stop the marketing to youth. They put tobacco ads in our favorite magazines.

With the information that I have brought back with me, I hope to start a program like JEL and get kids involved in it. We would try to do summits, radio commercials and talk about what else we can do to help out in our community.

I have done many things for my community, (which will ban) smoking in restaurants through the hours of 6 a.m. to 8:30 p.m., which goes into effect Wednesday. I also want to join the Ames task force so I can do more to help. I'm on the Ames youth planning committee, which is through Youth and Shelter Services.

This is what I have learned and what I want to do. My three days at this camp were the most fun I had ever had. And remember JEL—Just Eliminate Lies.

Letter to the Editor – The Tribune – 07/31/01 – James R.
"JEL is way off base"

I'm not sure what I like best, the anal retentive busy bodies who know best how others should run their lives, or the Hitler youth running around with their T-shits and slogans, flush with money extorted from the tobacco companies.

To the JEL genius making hay out of the FDA not regulating tobacco, what on Earth do you think one-third of the unconstitutional BATF is devoted to? [*Sorry, folks. We have no idea what BATF is. Perhaps James has just cooked up some alphabet soup.*]

To the various government majors who have alternately referred to restaurants as "public places," "public businesses" and "public restaurants," the only public restaurant in Ames is the D.O.T. cafeteria.

I am not a lawyer, nor do I play one on TV, but I do feel safe in introducing you to a foreign concept, "property rights." If it is not owned by a city, county, state or federal government, it is private property, and in a just world, you would not have one wit [*did he mean "whit?"*] to say about its functioning.

To the Attorney General of Iowa, the most powerful law enforcement officer in the state, and to the City Council of Ames, that you did not ban smoking, but abolished property rights, and are oblivious to the fact, is no surprise.

COMMENTARY

It will probably come as no surprise to you that when the ordinance took effect it did not calm the storm surrounding the issue. ATTF breathed a sigh of relief and assumed a wary stance, almost as though we were waiting for the next shoe to drop. It was not long in coming—in the shape of court battles—paid for and delivered by Philip Morris, that kind, benevolent, "always-looking-out-for-the-underdog" company. Unfortunately, we cannot document all of that information here. We promised to keep this relatively short and have been abbreviating many of the articles, letters, etc., in the interest of saving pages, as well as your reading time.

Another reason to keep this relatively short is in the interest of making it available by the FIRST ANNIVERSARY of the effective date of the Ames ordinance on August 1, 2002.

We have been pleased, if amazed, that we have experienced few problems with enforcement of the ordinance. However, we really do have great faith in people's ability to see truth and react to it in positive ways most of the time. That's not just "spin" but rather, the understanding that people really want to do the right thing, if given the chance to do so. Where essential, *force* can restrict harmful behaviors. However, there is a very real element of *trusting* people to restrict their smoking when they finally realize it is the "right thing to do."

Coming to that conclusion takes time. Please give people time to assimilate all that they will need to know in order to come to that conclusion. Again, take your time. If you push too hard, too soon, you will wind up with too little. Maintain your focus, which is, "*It's not a rights issue—it is a health issue.*" Never depart from that theme. Of course, non-smokers have rights, too! However, that's a theme that is out on the sideline, if mentioned at all. Focus on "Here's to your health!" rather than on "Here's to your rights."

Let me assure you that there are some business owners out there who are in favor of banning smoking in their places of business. They are not being simply perverse nor contentious when they initially refuse to support smoking bans. They are afraid of losing customers and alienating friends and acquaintances in their business community. Were they to give wholehearted support to a smoking ban, they might lose some business from customers who smoke and want to continue to smoke in that place. When they can finally "succumb to pressure" and proclaim, "Well, there was nothing we could do to stop the ordinance—we'll have to live with it!"—it gives them the "out" they needed. These owners will not support your cause—but they will not fight too hard to stop you in what you are doing. (They know that smokers cost them money in cleaning costs, insurance costs, employee down-time—and in many other ways.)

There is plenty of "fight" in the truly committed, dedicated smoking crowd. Addicts (of all stripes) always fight hard against something that may impede them in maintaining their addiction.

One more thing, dismiss some of the mean (or stupid) comments that some of your opponents make, rather than make too much of an issue of them. Let their ridiculous comments flow over you "like a cool, summer breeze."

Ames City Ordinance

Smoke-Free Dining & Hospitality

Effective August 1, 2001

- Smoking is not allowed in restaurants from 6 a.m. to 8:30 p.m., but is allowed in designated smoking sections from 8:30 p.m. to 6:00 a.m.
- After 8:30 p.m., smoking sections may be established. However, no one under the age of 18 may be seated in a smoking section.
- Outdoor seating areas are subject to the same rules as indoor areas in restaurants.
- No smoking is allowed within 15 feet of the entrance of a restaurant.

The Ames Tobacco Task Force thanks you for your cooperation!

Visit the Ames City Website at www.ames.ia.us for more information.

The Ames Smoke-Free Ordinance

The smoking ordinance passed by the City of Ames is designed to create healthier environments inside and around restaurants, bars, bowling alleys, hotels and motels for both customers and employees.

Ames is the first city in Iowa to pass a smoke-free ordinance. Be sure to pass the news along to visiting friends and relatives so they can take advantage of smoke-free hospitality at Ames businesses!

Ames City Ordinance

Smoke-Free Dining & Hospitality

Effective August 1, 2001

For ISU
Residence Hall's

AUGUST—2001

News article – The Tribune – 08/02/01 – David G., Staff Writer

SMOKING BAN KICKS IN

"Some smokers, bar owners see Ames Ordinance as infringement on freedom"

[*So, what else is new, David?*]

COMMENTARY

A spate of articles and letters to the editor continued to appear in The Tribune for a couple of weeks—such as the above headline—with its accompanying diatribe about the negation of freedom for smokers. A column from Ben Godar (Tribune Staff), entitled "Just Eliminate This," smeared the JEL (Just Eliminate Lies) efforts of the young people involved in this group. Fortunately, we had several letters to the editor written by "our side." George Belitsos wrote one of them. It appears here as the next item. Good letter! Good information!

Letter to the Editor – The Tribune – 08/14/01 – George B.
"A deadly combination"

As co-chair of the Ames Tobacco Task Force and CEO of Youth and Shelter Services, I want to thank the citizens of Ames and the hospitality industry for helping make the start-up of Iowa's first smoke-free dining ordinance run so smoothly.

The new ordinance protects the public health and sets a precedent for other cities and the rest of our state.

Unfortunately, the intentions of the ordinance and its supporters have sometimes been misconstrued by its detractors and a few individuals in the media. The ordinance does not seek to force anyone to quit smoking, but rather to prevent them from passing second-hand smoke—and its potential for disease and death—on to other persons who work in or dine in Ames eating establishments. After all, tobacco is still the number one cause of disease and death in the United States.

The more I learn about addiction in all its forms, the more insidious and dangerous it looks. For instance, look at some statistics about links between two legal addictive substances, tobacco and alcohol.

Heavy smokers are 10 times more likely to be alcoholics than are nonsmokers.

About one fourth of all smokers are problem drinkers.

Alcoholics are two to three times more likely to smoke than are people in the general population.

We can learn something from the fact that two of the most famous recovered alcoholics in the world—the guys who co-founded Alcoholics Anonymous—died from the complications of their tobacco addiction. But this lesson is lost on many in the field of addiction treatment today, who still view heavy cigarette smoking as being less serious than alcohol or other drug abuse.

After years of heavy drinking, stockbroker Bill Wilson and surgeon Bob Smith first found sobriety, then founded Alcoholics Anonymous. Wilson died of pneumonia complicated by emphysema. Smith died of oropharyngeal (mouth and throat) cancer. Both were heavy smokers to the end. Although millions owe their recovery to the 12-step program, only in recent years have many Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) meetings gone smoke free.

Based on research from the Mayo Clinic about addiction treatment and on other scientific evidence, we at YSS treat nicotine addiction within the framework of drug and alcohol abuse treatment. Our program staff also views nicotine as a gateway to other addictive substances.

Young people usually see themselves as too young to worry about cancer or some other disease they will get when they are older, so they ignore the addiction that might have been the reason they got into other drugs in the first place.

YSS questionnaires upon entry to treatment programs and many research studies have proved that most substance abusing young people begin their involvement with drugs by using tobacco…then alcohol…then marijuana…and then a wide range of drugs including methamphetamine, cocaine, etc.

Because tobacco and alcohol are legal substances in our society, there is a tendency to downplay the consequences of their use and their connection to what we often call "harder" drugs. In reality, the use of alcohol is responsible for 100,000 deaths in the United States each year. Alcohol-related incidents are the leading cause of death among young people, ages 14 to 24. These incidents include overdoses, homicides, suicides and accidents.

Tobacco accounts for approximately 430,000 more American deaths annually. All other "hard" drugs combined are involved in approximately 8,500 deaths each year.

A child is more likely to smoke marijuana once he or she has smoked tobacco. Psychologically, the line becomes easier to cross to "harder" drugs if other addictive substances have served as precursors. Peer pressure and the increased availability of drugs—combined with a youth's sense of invincibility—convince them that they can control drugs or that a chemically induced high is worth the risk.

It often is a deadly combination.

COMMENTARY

Were it not so tragic, one of the funniest (and most telling) articles comes from The Wall Street Journal, July 16, 2000. Perhaps I should not use the word "funny" in connection with anything so deadly—but I can just imagine the Philip Morris big-shots scurrying around the office the next morning—"Who was the idiot that released that report?"

Philip Morris Notes Cigarettes' Benefits For Nation's Finances

"Analysis Says Czech Republic Saves Billions of Koruna Because Smoker's Die Early"

Philip Morris officials in the Czech Republic have been distributing an economic analysis concluding that cigarette consumption isn't a drag on the country's budget, in part because smokers' early deaths help offset medical expenses. [Article abbreviated.]

The report also calculates the cost of smoking, such as the expense of caring for sick smokers and people made ill by secondhand smoke as well as income taxes lost when smokers die. Weighing the costs and benefits, the report concludes that in 1999 the government had a net gain of 5.82 billion koruna ($147.1 million) from smoking.

[*There's more, but you get the general idea.*]

-Selected Quote-

"Few persons enjoy real liberty; we are all slaves to ideas and habits."
Alfred de Mussat

SEPTEMBER—2001

News article – The Tribune -- 09/26/01 – David G., Staff Writer

RESTAURANT OWNERS SUE OVER TOBACCO ORDINANCE

Six restaurants, a truck stop, and a bowling alley have filed suit in state district court in Nevada to snuff out Ames' anti-smoking ordinance. [Article abbreviated.]

The restaurant owners are seeking a temporary injunction and declaratory judgment voiding the ordinance—saying it runs contrary to existing state statutes.

But city attorney John Klaus said the ordinance has the backing of State Attorney General Tom Miller.

Editorial – 09/27/01 – The Tribune
"It was inevitable smoking ban was headed to court"

No surprise. Ames' smoking ban is heading to court. A group of business owners have filed for an injunction, arguing the smoking ban has caused them to lose business. Either the customers aren't coming in, or they are forced to discontinue serving food, the plaintiffs say.

The debate preceding the ordinance was long and deep. And while some people might have breathed a sigh of relief when the ordinance finally was passed earlier this year, we really didn't expect the fight would be over.

A year ago, on Oct. 13, The Tribune wrote: "Citizens received the first glimpse of what battles may lay ahead when attorneys became involved…Wisely, the council will seek an opinion from the attorney general. Even if that opinion favors the smoking ban, you can bet the issue still will be resolved in a long court battle.

"What does seem certain is that this issue won't be resolved quickly, and it won't go away."

Indeed, it won't. With the lawsuit, we expect both sides to renew their arguments. Now, however, the battle moves to a new arena. Attorney General Tom Miller did say the Ames ordinance was OK. But as expected, that's being challenged. We hope for a speedy trial.

A ruling from the courts may or may not close debate on this issue, but it will set a necessary precedent. The Ames ordinance rapidly is being considered in communities around Iowa. As we are a model for others, we should answer the legal questions now, before many cities enact similar ordinances.

OCTOBER—2001

Letter to the Editor – The Tribune – 10/01/01 – Lenwood M.
"Height of irresponsibility"

The injunction filed against the smoking ban ordinance in Ames is capricious, premature and possibly downright frivolous.

Capricious, because there is no cogent reason for filing a suit against the ordinance. Since its inception, it has been working beautifully at insuring public health. There has been only one complaint filed with police concerning non-compliance.

Premature, because the ordinance has been in place no longer than eight weeks. Yet two of the businesses filing the lawsuit protest that they have lost thousands of dollars because of the ordinance. These are unverified figures, and none of the other six plaintiffs have submitted similar figures.

I have no doubt that, taken as a whole over time, Ames restaurants will not lose business as a result of the ordinance. This has been the case as shown by 30 economic research studies in other cities with smoking bans. The hospitality industry is thriving in more than 800 cities in the nation with smoking bans.

Frivolous, because it is not sensible. I contend that although the injunction filed has little chance of succeeding in its intent to destroy the ordinance, it comes on the heels of an avowal to make the attempt, by a contemptuous minority of dissenters.

In my opinion, they simply want to have their own way and are being contentious despite all of the odds. Otherwise, why are two of the dissenters suing when they were specifically exempted within the body of the ordinance?

The ban became effective on Aug. 1, 2001. This was during the time when annually, in Ames, all business activity plunges dramatically. Approximately one-half of our population absents itself from the community.

University students (and their families) normally make up a significant segment of the population in Ames. Their absence, when it occurs, is notable, and a significant portion of the business activity in our community feels the effects of those last weeks of summer.

Vacationing families further deplete the numbers of available diners and shoppers.

These people began returning to the community no more than two weeks before our country was devastated by an atrocity that shook everyone to the core. Not only did the stock market plunge to historic lows, but also the mood of our citizenry was not one that stimulated interest in festive dining.

Of course, there was a disinterest in dining out. Other businesses took it on the chin as well. Business, in general, began a steep slide all over the United States.

To blame that slide on the smoking ban is the height of irresponsibility.

Blame Osama Bin Laden if you like, but do not blame the ordinance, the Ames City Council, the Ames Tobacco Task Force, the entire body of health professionals in Ames or the people who did not feel like eating out for a time following that tragedy.

COMMENTARY

For several weeks, we wondered how a handful of businesses that claimed they were losing "thousands of dollars" could afford to go to court, pay some very high priced legal fees and not even bellyache about the financial pinch. It did not take us very long to find out how the legal fees were being paid.

On Oct. 2, 2001,the headline on the front page of The Tribune was:

Tobacco ordinance heads to court

On Oct 3, 2001, the headline on The Tribune's front page stated:

Philip Morris picks up lawsuit tab

We finally realized what kind of giant we were contending against. It's not a few little restaurant owners in a small city in the middle of Iowa. This is a multi-national corporation that brings in billions of dollars each year and is willing to spend as much as is necessary to have its own way, if possible. One of the results of learning about the source of the money to pay for the lawsuits was that many who had supported the cause of so-called "rights" and so-called "liberty" immediately shifted their allegiance. Not all, of course, but many people finally understood what kind of powerful interests were at work in this issue.

Even The Tribune's editorial on October 4, 2001, was willing to concede that some "new straws" were blowing around in the wind. The editorial begins…

"So Philip Morris is picking up the tab for the lawsuit filed against the city's no-smoking ordinance. Does this change things? Well, it does make it harder to pitch this as a struggle between independent little guys and overreaching government. Not only is Philip Morris paying for the suit, but local businesses participating in the fight were recruited by attorneys fighting the case.

"When you know that, the seven business owners fighting city hall start looking less like patriots and a lot more like pawns."

You know—I believe it would be difficult to put it more eloquently than that. Another Tribune article on Oct. 9, 2001, tells of how this action on the part of Philip Morris, mended the broken relationship between ATTF and The American Cancer Society. The headline reads:

"Philip Morris involvement unites anti-smoking forces"

On October 24, 2001, the headline read:

"Judge stubs out injunction"

"Says no proof smoking ban has negatively affected businesses"

We are going to leave it at that point. Please understand that we are not standing by and not paying attention. Philip Morris is not "not paying attention." You can bet the family farm on that. ATTF is still vital and vitally concerned to continue fighting the "tobacco wars." This has been only one, little skirmish. As in all other considerations, "The price of freedom is eternal vigilance." If people in the world are ever to be free of the debilitating effects of "the filthy weed," someone must be willing to shoulder the load, take the cause to heart and try to make the difference. Perhaps that someone should be----------you.

Please allow me to reprint one more letter to the editor from "yours truly."

Letter to the Editor – The Tribune – 10/11/01 – Lenwood M.
"Defeat the forces of evil"

It seems that we still are very much embroiled in the issue surrounding smoker's "rights" to contaminate the air in Ames' restaurants. (I think of it as smoker's "wrongs" myself. I "wronged" a lot of people.)

We have heard much about liberty, freedom, and rights from the smoker's lobby. What? Don't non-smokers have any of these? Are we simply to stand by and agree that since smokers are addicted, we are supposed to suffer the "slings and arrows of outrageous fortune"? We have to get nauseated, sick or die because of their addiction?

In New York harbor stands a statue named "Liberty Enlightening the World." At the base of our Statue of Liberty, a poet (Emma Lazarus, 1849-1887) has Miss Liberty saying to the world, "Give me your tired, your poor, your huddled masses yearning to breathe free…"

That is what we non-smokers have been bellyaching about for all of this time! We count ourselves among the "huddled masses" who are "yearning to breathe free…"

I personally have been trying to "breathe free" ever since I stopped smoking when the doctor said, "Quit or die!" Should we who can't tolerate smoke stay away from some of the best restaurants (public places) because of selfishness?

Some people, who want what they want when they want it, don't care who they hurt to get it! That's mean-spirited. By the way, most reformed smokers are meaner than junkyard dogs, too, because we have experienced how badly smoke can hurt you…even secondhand smoke.

In court, the plaintiff's attorney referred to the "65 percent of all Ames restaurants" that were smoke-free prior to the ordinance. True. However, of the restaurants with wait-staff—only 20 percent were smoke-free. I love fast food, but not when I want to take my wife out to a nice (public) place to celebrate our anniversary.

So far, permission has been denied us "to breathe free" by those who are working so hard to exempt themselves from caring about non-smokers! What ever happened to "justice for all" and responsibility for our neighbor? Are these concepts no longer valid parts of the American way of life?

I have no objection to allowing suicide by smoke inhalation. That's the smoker's choice. It may be stupid, but it's legal. And I would have fewer concerns about it if they would confine the smoke to one-cubic foot around their own heads.

However, since smoke travels where it will, their self-imposed death or injury makes death or injury more likely for lots of innocent folks.

I see the ads on TV. Philip Morris is such a kind, gentle, concerned and "helpful" company. They help fight tornadoes and floods. They are providing money to fight the Ames ordinance just because they are so generous and "helpful." Of course they are!

Maybe some of our citizens don't believe it is such a big deal, but there are many people here in Ames who are fighting for the health of the entire community as well as for their own personal health. It's not going to make it easier now that Big Tobacco is involved. The battle has been joined by those who are willing to pour in unlimited funds for public relations and to defeat what has been one of the best health advances in the city of Ames (as well as 800 other cities in our nation.)

Big Tobacco is happy to pay the bills to pound us "little guys" into the ground. We don't have that kind of money. Hope and pray that the forces of evil are defeated on all fronts. It will make it a better, safer world.

-Selected Quote-
"Knowledge is essential to freedom." William Ellery Channing

COMMENTARY

Flash! The newest information available on the dangers in tobacco smoke just came in from [my sister who mailed the article] The Los Angeles Times via The Milwaukee Journal Sentinel.

News article – Milwaukee Journal Sentinel – 06/20/02 – Thomas H. Maugh II
"Smoking found to be even more deadly"

Tobacco smoke is a much more deadly carcinogen and triggers a broader variety of cancers than researchers had previously believed, according to the most comprehensive study ever undertaken.

The new study also provides the first definitive evidence that secondhand smoke causes lung cancer, increasing the risk by about 20 %. The new study firmly links smoking to stomach, liver, cervical and kidney cancer, as well as to myeloid leukemia. Such links were suspected, but not proven.

"We are still learning just how damaging cigarette smoking is," Jonathan Samet of the Johns Hopkins School of Public Health told a London news conference Wednesday. "Only now are we beginning to see the full picture of what happens when a generation begins to smoke at an early age….The full picture is more disturbing than what we saw when we only had the smaller pieces."

Samet chaired an international panel of 29 experts convened by the United Nations' International Agency for Research on Cancer to conduct the first comprehensive evaluation of smoking research since 1986. The team examined more than 3,000 studies involving millions of smokers. Their report will be published later this year, but parts of it are scheduled to be posted today on the agency's web site (www.iarc.fr).

When we put all that information together, the picture becomes much clearer," said Patricia Buffler of the University of California-Berkley, a member of the research group. "This confirms many things that people were concerned about."

An estimated 1.2 billion people worldwide now smoke, and their prognosis is grim, according to the study. At least half of them will be killed prematurely by smoking related diseases, including cancer, heart disease and emphysema. Half of those deaths will occur in middle age, with average loss of 20 to 25 years of life expectancy.

Higher risk for tumors

In addition to finding new links, they concluded that the risks for some tumors previously linked to smoking are higher than suspected.

For tumors of the bladder and kidney, for example, researchers previously had thought smokers had three to four times the normal risk. The new data indicates that the actual risk is five to six times greater than normal, according to Paul Kleihues, director of the International Agency for research on Cancer.

Some of the cancers are associated with other factors as well. Cervical cancer is associated with the human papilloma virus, stomach cancer with the bacterium Helicobacter pylori, and liver cancer with hepatitis viruses. But in each of these cases, Buffler said, smoking doubles the risk.

The study found no evidence, however, that smoking increases the risk of prostate, breast or andrometrial cancers. That is probably because these tumors are triggered primarily by hormones rather than by exposure to chemicals in the environment, said Sir Richard Doll of Oxford University, a member of the panel.

Secondhand smoke risk

The team also looked at more than 50 studies focused on exposure to secondhand smoke and concluded such exposure is linked to lung cancer, but no others. "It is a very strong association," Buffler said. There are more than 4,000 chemicals in cigarette smoke, and new studies have shown that they can be measured in the body fluids and urine of non-smokers.

"It is now well established that they are being breathed in by non-smokers, absorbed, and are having an impact on genetic material," she said.

Some national agencies, including the U.S. Environmental Protection Agency and the National Cancer Institute, had previously concluded that secondhand smoke causes cancer, but this is the first time an international group such as the U.N. has reached the same conclusion.

The study also pointed to some disturbing trends, such as the marked increase in the number of women smoking and the growing incidence of smoking in developing countries.

"Some people had thought that women might have lower risks, but that is not true," Buffler said. "If their exposure to tobacco smoke is comparable to that of males, their risks are comparable to those of males.

The group also came out strongly in favor of efforts aimed toward smoking cessation. "We were impressed to see that stopping smoking at any age results in a marked benefit to the smoker," she said. "Even stopping at age 50 would reduce full lifetime risks. The risk never returns to that of a non-smoker, but there is a marked impact on mortality."

COMMENTARY

Well, there you have it—the latest information available on the benefits of keeping tobacco smoke out of our lives and out of the lives of every human being in the world.

A few final pages will be added, including a copy of that "ideal" ordinance, the one you will want to use as your point of beginning in your community. The Ames ordinance is just fine for Ames at the present. It is working *very* well! However, we will be working to tighten the ordinance and make it more comprehensive. The ATTF told the City Council that we will not pursue a "tighter" ordinance until the Supreme Court ruling. (That will lighten their load.) We still have a lot of work to be done and we are not shirking our responsibility to provide healthier working conditions and smoke-free public places for consumers. There is much to accomplish in the way of providing smoking cessation classes for addicted smokers. There is an incredible amount of work to be done in reaching our goal of reducing smoking by a mere five percent among young people. We wish you well in your effort to decrease the incidence of tobacco smoke in the lives of workers, customers, children—just everybody.

Secondhand smoke, once deemed acceptable by the public, has been recognized for the evil thing that it is. Beyond the shadow of a doubt, it will take a long time to finally root it out of our lives, but we are on the path to doing so. Thank you for the time, effort, money and dedication you are giving to make its demise a reality. It's a worthwhile endeavor!

Please do not be eager to "settle" for less than you are truly capable of achieving. In Ames, we found it essential to compromise more than we really wanted to compromise. Because Ames *did* achieve the enactment of Iowa's first ordinance, it will be perhaps just a bit easier for your community to "follow our lead." Society is in a mood these days to deny smokers access to our lungs and to our acceptance of bad manners and worse behavior. You can do it! You can make a tremendous difference! Begin with the "ideal" ordinance—and don't give up too much if you have to compromise.

Oh yes, by the way, I watched a newscast on TV—and learned that New York is in the process of increasing its cigarette tax by $1.50 a pack. The new tax is effective as of July 1, 2002. That will increase the retail price of an average pack of cigarettes to $7.50 per pack—the highest in the nation, so far. (Now they are having a problem with a black market.)

It's obscene that otherwise seemingly stable, sane folks will pay $75 for a carton of what we now know are truly "cancer sticks." Aren't you glad that you don't smoke?

WHERE TO TURN FOR HELP!

Where to go for help? Since the adoption of the Ames ordinance, several valuable new resources have become available to Iowa communities to assist them in work on secondhand smoke issues including community education campaigns, smoke-free schools and workplaces and local ordinances. Communities working on this issue are encouraged to contact the organizations listed below for assistance in pursuing secondhand smoke work in their communities.

Obtain a model ordinance. Communities interested in obtaining a model secondhand smoke ordinance are strongly encouraged to obtain a draft model ordinance from one of the following organizations. It is recommended that ordinance work not begin with an existing community ordinance because each local ordinance will contain compromises and provisions that are unique to that community. There is a great deal of work that precedes the drafting of a model ordinance for a community and these organizations can help you prepare for that work

Tobacco Free Iowa / American Lung Association of Iowa: TFI is a non-profit, non-partisan coalition of community partners, organizations, and individuals committed to changing public policy towards secondhand smoke in Iowa, while reducing exposure by initiating clean indoor air campaigns in Iowa communities. Contact: Tobacco Free Iowa, 5601 Douglas Avenue Des Moines, Iowa 50310-1800; 515-309-9507 or 877-92-LUNGS; www.tobaccofreeiowa.org

American Cancer Society: The American Cancer Society is committed to reducing the death and disease caused by tobacco through a comprehensive aproach which includes smoke-free policies. The American Cancer Society can provide the full spectrum of support to a community ranging from basic education on the dangers of secondhand smoke to grassroots and communications support for campaigns. Contact: American Cancer Society, 1.800.ACS.2345, www.cancer.org or Natalie Battles, Tobacco Control Advocate, Iowa , 1.888.323.6611

Iowa Department of Public Health: The Division of Tobacco Use Prevention and Control of the Iowa Department of Public Health can serve as a vital resource regarding the impact of secondhand smoke on public health. The Division presently funds regional Community Partnerships organized to create and sustain effective local tobacco control efforts. The primary goals of these Community Partnerships are to: 1) Prevent the initiation of tobacco use among young people; 2) Promote cessation among young people and adults; and 3) Eliminate nonsmokers' exposure to secondhand smoke. Individuals who are interested in the issue of secondhand smoke and the deadly impact on their communities may contact the Division to be connected with their local Community Partnership. Contact: Iowa Department of Public Health
Division of Tobacco Use Prevention and Control. 515-281-6225

Iowa Attorney General's Office. The Iowa Attorney General's Office has a continuing interest in tobacco issues beginning with its leadership in the litigation against the major tobacco companies. As part of that commitment, the office has obtained a one year grant from the Legacy Foundation to (1) prepare a report on secondhand smoke issues in Iowa; (2) provide educational technical assistance to Iowa communities; and (3) sponsor a statewide secondhand smoke conference in early 2003. Contact: Bill Roach, Iowa Attorney General's Office, Hoover State Office Building, Des Moines, Iowa 50319; 515-281-5536; broach@ag.state.ia.us.

Appendix

Model Ordinance

Secondhand Smoke
Smokefree Advocacy
Airports Campaign
Tobacco's Dirty Tricks
Hot Documents
Ventilation
Preemption
Youth

Americans for Nonsmokers' Rights

Join ANR | Donate to the ANR Foundation | Free Subscription | Merchandise
About Us | Links | Home

MODEL ORDINANCE ELIMINATING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES EXCEPT FREESTANDING BARS

(100% SMOKEFREE)

Revised April 2002

Sec. 1000. Title

This Article shall be known as the ______________ [*name of City or County*] Smokefree Air Act of ______ [*year*].

Sec. 1001. Findings and Intent

The ______________ [City Council *or* Board of Supervisors] does hereby find that:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The U.S. Surgeon General has determined that secondhand smoke is responsible for the early deaths of 65,000 Americans annually.

The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997).

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer.

The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke.

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.

Smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smokefree. Creation of smokefree workplaces is sound economic policy and provides the maximum level of employee health and safety.

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses.

Accordingly, the _______________ [City Council *or* Board of Supervisors] finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

Sec. 1002. Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

1. "Attached Bar" means a bar area of a restaurant.
2. "Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
3. "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are

delivered.

4. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

5. "Employer" means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

6. "Enclosed Area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows (exclusive of doorways), which extend from the floor to the ceiling.

7. Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

8. "Place of Employment" means an area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility.

9. "Public Place" means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health care facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a child care, adult day care, or health care facility.

10. "Private Function" means a gathering of persons for the purpose of deliberation, education, instruction, entertainment, amusement, or dining, where membership or specific invitation is a prerequisite to entry and where the event is not intended to be open to the public.

11. "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is

prepared on the premises for serving elsewhere. The term "restaurant" shall include an attached bar.

12. "Retail Tobacco Store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

13. "Service Line" means an indoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

14. "Shopping Mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

15. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

16. "Sports Arena" means sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, and other similar places where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

Sec. 1003. Application of Article to [City-Owned *or* County-Owned] Facilities

All enclosed facilities, including buildings and vehicles owned, leased, or operated by the ________ [City *or* County] of ________, shall be subject to the provisions of this Article.

Sec. 1004. Prohibition of Smoking in Public Places

Smoking shall be prohibited in all enclosed public places within the ________ [City *or* County] of ________, including but not limited to, the following places:

1. Aquariums, galleries, libraries, and museums.

2. Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public, including but not limited to, professional offices, banks, laundromats, hotels, and motels.

3. Bingo facilities when a bingo game is in progress.

4. Convention facilities.

5. Elevators.

6. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital, or other similar performance.

7. Health care facilities.

8. Licensed child care and adult day care facilities.

9. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

10. Polling places.

11. Public transportation facilities, including buses and taxicabs, under the authority of the ________ [City *or* County] of ________, and ticket, boarding, and waiting areas of public transit depots.

12. Restaurants, including attached bars.

13. Restrooms, lobbies, reception areas, hallways, and other common-use areas.

14. Retail stores.

15. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the ________ [City *or* County] or a political subdivision of the State when a public meeting is in progress, to the extent the place is subject to the jurisdiction of the ________ [City *or* County].

16. Service lines.

17. Shopping malls.

18. Sports arenas, including enclosed places in outdoor arenas.

Sec. 1005. Prohibition of Smoking in Places of Employment

A. Smoking shall be prohibited in all enclosed facilities within places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

B. This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 1006. Reasonable Distance

Smoking is prohibited within a reasonable distance of 25 feet outside an enclosed area where smoking is prohibited, so as to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems, or other means.

Sec. 1007. Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 1004 and 1005:

1. Bars other than attached bars.
2. Private residences, except when used as a licensed child care, adult day care, or health care facility.
3. Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated.
4. Retail tobacco stores; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Article.
5. Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms when these places are being used for private functions; provided that smoke from these places does not infiltrate into areas where smoking is prohibited under the provisions of this Article.
6. Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one (1) or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted.
7. Outdoor areas of places of employment except those covered by the provisions of Section 1006.

Sec. 1008. Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 1009(A) is posted.

Sec. 1009. Posting of Signs

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Article, by the owner, operator, manager, or other person in control of that place.

B. Every public place and place of employment where smoking is prohibited by this Article shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

C. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

Sec. 1010. Nonretaliation

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article.

Sec. 1011. Enforcement

A. This Article shall be enforced by the ________ [Department of Health *or* City Manager *or* County Administrator] or an authorized designee.

B. Notice of the provisions of this Article shall be given to all applicants for a business license in the ________ [City *or* County] of ________.

C. Any citizen who desires to register a complaint under this Article may initiate enforcement with the ________ [Department of Health *or* City Manager *or* County Administrator].

D. The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

E. An owner, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof.

F. Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.

G. In addition to the remedies provided by the provisions of this Section, the ________ [Department of Health *or* City Manager *or* County Administrator] or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 1012. Violations and Penalties

A. A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars ($50).

B. A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

1. A fine not exceeding one hundred dollars ($100) for a first violation.
2. A fine not exceeding two hundred dollars ($200) for a second violation within one (1) year.
3. A fine not exceeding five hundred dollars ($500) for each additional violation within one (1) year.

C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

D. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 1013. Public Education

The ________ [Department of Health *or* City Manager *or* County Administrator] shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 1014. Governmental Agency Cooperation

The ___________ [City Manager *or* County Administrator] shall annually request other governmental and educational agencies having facilities within the ________ [City *or* County] to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, _________ [County *or* City], and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 1015. Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 1015. Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 1017. Effective Date

This Article shall be effective thirty (30) days from and after the date of its adoption.

Secondhand Smoke | Smokefree Advocacy | Airports Campaign | Tobacco's Dirty Tricks | Hot Documents | Ventilation | Preemption | Youth

© 2001, Americans for Nonsmokers' Rights, American Nonsmokers' Rights Foundation
Some images are © 2001 www.arttoday.com

Designed and maintained by Diane Jones.

Reference/Resource Only
NOT ACCESSIONED

Donated with items associated with
2021.022